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**Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba**

# Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

## Report of the Secretary-General

*Summary*

In its resolution 59/11, the General Assembly requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to submit to the Assembly at its sixtieth session a report on the implementation of the resolution in the light of the purposes and principles of the Charter of the United Nations and international law.

Pursuant to that request, by a note verbale dated 15 April 2005, the Secretary-General invited Governments and organs and agencies of the United Nations system to provide him with any information they might wish to contribute to the preparation of his report.

The present report reproduces the replies of Governments that had been received by 15 July 2005 and a summary of replies from organs and agencies of the United Nations system.

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# Contents


| | | Page |
|---|---|---|
| I. | Introduction | 5 |
| II. | Replies received from Governments | 5 |
| | Algeria | 5 |
| | Angola | 5 |
| | Argentina | 5 |
| | Armenia | 7 |
| | Bahamas | 7 |
| | Barbados | 7 |
| | Belarus | 7 |
| | Belize | 8 |
| | Bolivia | 8 |
| | Botswana | 8 |
| | Brazil | 9 |
| | Bulgaria | 9 |
| | Burkina Faso | 9 |
| | Burundi | 10 |
| | Cambodia | 10 |
| | Cape Verde | 11 |
| | Chile | 11 |
| | China | 11 |
| | Colombia | 11 |
| | Congo | 12 |
| | Cuba | 12 |
| | Cyprus | 30 |
| | Democratic People's Republic of Korea | 30 |
| | Democratic Republic of the Congo | 30 |
| | Dominica | 31 |
| | Dominican Republic | 31 |
| | Ecuador | 31 |
| | Egypt | 32 |
| | European Union | 32 |
| | Gambia | 32 |

Greece ..... 33
Grenada ..... 33
Guatemala ..... 33
Guinea ..... 33
Guinea-Bissau ..... 34
Guyana ..... 34
Haiti ..... 34
India ..... 34
Iran (Islamic Republic of) ..... 35
Jamaica ..... 36
Japan ..... 36
Kazakhstan ..... 37
Kenya ..... 37
Lao People's Democratic Republic ..... 37
Lebanon ..... 37
Libyan Arab Jamahiriya ..... 38
Liechtenstein ..... 38
Malaysia ..... 38
Maldives ..... 39
Mali ..... 39
Mexico ..... 40
Mozambique ..... 41
Namibia ..... 41
Nauru ..... 42
Nigeria ..... 42
Pakistan ..... 42
Panama ..... 42
Paraguay ..... 42
Peru ..... 43
Philippines ..... 43
Qatar ..... 43
Russian Federation ..... 44
Saint Kitts and Nevis ..... 45

Saint Lucia ..... 45
San Marino ..... 45
Sao Tome and Principe ..... 45
Senegal ..... 46
Seychelles ..... 46
Slovakia ..... 46
South Africa ..... 46
Sri Lanka ..... 47
Sudan ..... 47
Sweden ..... 48
Syrian Arab Republic ..... 48
Thailand ..... 49
Trinidad and Tobago ..... 49
Tunisia ..... 49
Turkey ..... 49
Uganda ..... 49
Ukraine ..... 50
Uruguay ..... 50
Venezuela (Bolivarian Republic of) ..... 50
Viet Nam ..... 51
Zambia ..... 51
Zimbabwe ..... 52

III. Replies received from organs and agencies of the United N. ons system ..... 52

# I. Introduction

In its resolution 59/11 of 28 October 2004, the General Assembly requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to submit to the Assembly at its sixtieth session a report on the implementation of the resolution in the light of the purposes and principles of the Charter of the United Nations and international law.

Pursuant to that request, by a note verbale dated 15 April 2005 the Secretary-General invited Governments and organs and agencies of the United Nations system to provide him with any information they might wish to contribute to the preparation of his report.

The present report reproduces the replies of Governments that had been received by 15 July 2005 and a summary of the replies of organs and agencies of the United Nations system.

# II. Replies received from Governments

In the present chapter, the replies from Governments are reproduced except for that of Switzerland, which stated that it had no specific contribution to make.

**Algeria**

[Original: French]
[6 July 2005]

Committed to freedom of trade and navigation, Algeria has never promulgated or applied any laws or measures of the kind referred to in the preamble to resolution 59/11. Therefore, the provisions of paragraph 3 of the resolution are not relevant in the case of Algeria.

**Angola**

[Original: English]
[26 May 2005]

1. The Republic of Angola has not issued any restrictive measures that stand in opposition to resolution 59/11.

2. The Republic of Angola rules its conduct in the international arena by the respect and fulfilment of its obligations as embodied in the principles of international law. Consequently, we will not promulgate or enforce any laws that fail to respect such principles.

**Argentina**

[Original: Spanish]
[19 May 2005]

1. The Government of the Argentine Republic has fully implemented the provisions of resolution 59/11 and of previous General Assembly resolutions concerning the economic, commercial and financial embargo imposed against Cuba.

2. On 5 September 1997, the Argentine Government promulgated Act No. 24,871, which establishes the legislative framework governing the scope of application of foreign legislation within the national territory. Under the Act, foreign legislation which is aimed, directly or indirectly, at restricting or impeding the free flow of trade and the movement of capital, goods or persons to the detriment of a given country or group of countries shall neither be applicable nor have legal effects of any kind within the national territory.

3. Article I of that Act provides that foreign legislation which seeks to have extraterritorial legal effects, through the imposition of an economic embargo or limits on investment in a given country, in order to bring about a change of government in a country or to affect its right to self-determination shall also be wholly inapplicable and devoid of legal effect.

4. Argentina's vote in favour of the adoption of General Assembly resolution 59/11 was an immediate and independent reflection of its traditional position in favour of eliminating this kind of unilateral measure, and its commitment to the Charter of the United Nations, international law and multilateralism.

5. Similarly, Argentina would like to refer to the explanation of vote given by the States members (Argentina, Brazil, Paraguay and Uruguay) and associate members (Bolivia, Chile and Peru) of the South American Common Market (MERCOSUR) when the relevant resolution was adopted, in which, aligning themselves with the nearly unanimous rejection by the international community of those unilateral measures, they stated that their application did not contribute to the promotion of a democratic system or to respect for and protection of human rights.

6. On that occasion, MERCOSUR and its associate members also affirmed that the application of domestic laws was contrary to the need to promote dialogue and to ensure the fulfilment of the purposes and principles of the Charter of the United Nations, and that it undermined the sovereignty of States and affected the interests of third States.

7. In that same vein, and referring to the unilateral coercive actions taken at the time, they stressed that the embargo was also not compatible with the legal obligations of the States members of the World Trade Organization, and that maintaining punitive measures of this kind weakened the effort to meet the shared challenges of our time and did not contribute to the full reintegration of Cuba in the American region.

8. Argentina recalls that MERCOSUR and its associated countries have repeatedly rejected the embargo imposed on Cuba, in the General Assembly and in other international forums such as the General Assembly of the Organization of American States, the Ibero-American Summit, the Latin American Economic System and the Summit Conferences of the Rio Group.

9. The Declaration issued by the heads of State and Government gathered at the Summit of South American and Arab countries, held in Brasília on 11 May 2005, also expressed the opposition of the leaders of both regions to unilateral measures and to the imposition of illegal sanctions on States.

**Armenia**

[Original: English
[8 June 2005]

The Armenian legal regime contains no laws or measures of the kind referred to in resolution 59/11.

**Bahamas**

[Original: English]
[9 May 2005]

1. The Commonwealth of the Bahamas enjoys normal diplomatic and trade relations with the Republic of Cuba.

2. The Bahamas has not promulgated or applied laws or measures against Cuba that would prohibit economic, commercial, or financial relations between The Bahamas and the Republic of Cuba.

**Barbados**

[Original: English]
[5 July 2005]

The Government of Barbados has no laws which in any way restrict the freedom of trade and navigation with Cuba. Barbados has consistently voted in favour of the General Assembly resolutions on this question.

**Belarus**

[Original: Russian]
[14 June 2005]

1. The Republic of Belarus calls for the prompt lifting of the economic, commercial and financial embargo of the Republic of Cuba by the United States of America. The repeal of sanctions by the United States could be a prerequisite for future normalization of international relations between the United States and the Republic of Cuba.

2. The Republic of Belarus advocates the inalienable right of every country to determine its own model of social development. All unilateral attempts by States to change the internal political system of other countries through military, political, economic or other coercive measures are inadmissible.

3. The Republic of Belarus considers the further measures taken by the United States Government in May 2004 to tighten the embargo policy against Cuba to be a dangerous step not conducive to the strengthening of security and stability in the region and in the world as a whole.

4. The Republic of Belarus firmly upholds the principles of international law in its foreign policy. The legislation of the Republic of Belarus includes no laws, decisions or measures, the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of persons or entities under their jurisdiction or the freedom of trade and navigation.

5. Relations between the Republic of Belarus and the Republic of Cuba are marked by a high level of cooperation and increasing activity. A priority objective in their bilateral relations is the development of commercial and economic cooperation. There is mutual interest in and significant potential for increasing the volume of bilateral trade and carrying out joint projects in various branches of the economy.

6. The Republic of Belarus will continue to undertake determined measures to strengthen cooperation and develop friendly relations with the Republic of Cuba.

**Belize**

[Original: English]
[8 June 2005]

1. The Permanent Mission of Belize is pleased to report that, in accordance with resolution 59/11 and with all foregoing General Assembly resolutions on the embargo against Cuba, Belize has not promulgated or applied any law, regulation or measure, the extraterritorial application of which would affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation.

2. Belize reaffirms its commitments to the purposes and principles enshrined in the Charter of the United Nations, particularly the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which also form fundamental principles of international law.

3. In this regard, Belize has consistently supported the General Assembly resolutions on this question. The ongoing attempt to isolate Cuba in disregard of annually adopted resolutions is a cause for concern. Belize, as stated before the General Assembly, continues to engage Cuba in a constructive and mutually beneficial partnership which has yielded concrete benefits for all our peoples.

**Bolivia**

[Original: Spanish]
[24 June 2005]

1. With regard to paragraph 2 of resolution 59/11, Bolivia has neither promulgated nor applied laws or measures that are contrary to the principles of the Charter of the United Nations, particularly those relating to the maintenance of peace, security and cooperation, or to other principles of international law, such as the freedom of international trade and navigation.

2. In the light of the statement in the previous paragraph on the resolution in question, paragraph 3 does not apply.

**Botswana**

[Original: English]
[22 June 2005]

The Republic of Botswana has never, and does not intend, to promulgate, apply or enforce any laws and measures of the kind referred to in resolution 59/11.

As reflected by its vote on resolution 59/11, Botswana is opposed to the continued adoption and application of such extraterritorial measures, and in that regard, supports the immediate lifting of the economic, commercial and financial embargo against Cuba.

**Brazil**

[Original: English]
[10 June 2005]

1. Brazil reiterates its position that discriminatory trade practices and the extraterritorial application of domestic laws run counter to the need to promote dialogue and ensure the prevalence of the principles and purposes of the Charter of the United Nations.

2. In accordance with resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21, 55/20, 56/9, 57/11, 58/7 and 59/11 Brazil did not promulgate or apply any law, regulation or measure the extraterritorial effects of which could affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, the freedom of trade and navigation. Brazil's legal system does not recognize the validity of the application of measures with extraterritorial effects.

3. Companies located in Brazil are subject exclusively to Brazilian legislation. Measures by any country which violate the provisions of resolution 59/11 and which attempt to compel the citizens of a third country to obey foreign legislation affect the interests of the international community as a whole and violate generally accepted principles of international law. Those measures should be reviewed and changed, where appropriate, in order to bring them into conformity with international law.

4. Governments not complying with resolution 59/11 should urgently take further steps to eliminate discriminatory trade practices and bring to an end unilaterally declared economic, commercial and financial embargoes.

**Bulgaria**

[Original: English]
[6 June 2005]

1. The Republic of Bulgaria does not use and has never used unilateral coercive economic measures against Cuba and thus fully complies with resolution 59/11.

2. In conformity with the position of the European Union to which it has subscribed, the Republic of Bulgaria rejects the use of unilateral coercive economic measures against Cuba that are inconsistent with the principles of international law and contravene the commonly accepted rules of international trade.

**Burkina Faso**

[Original: French]
[10 June 2005]

1. The Government of Burkina Faso, for which the promotion of dialogue, technical and economic cooperation, trade and solidarity among peoples has always

been a priority in its international cooperation, strives daily to realize this ideal of collaboration which the United Nations advocates among its Member States.

2. Our Government thus continues to work with the fraternal Government of Cuba to strengthen economic, social and financial cooperation between our two peoples.

3. This already fruitful partnership has been strengthened by the exemplarity and regularity of the joint cooperation commissions between our two States and their many acts of collaboration.

4. For all these reasons, our Government cannot support the economic, commercial and financial embargo unjustly imposed against Cuba which, in addition to violating the provisions of the Charter of the United Nations and international law, is a factor in ruining the Cuban economy and has dealt a severe blow to the country's most vulnerable social sectors.

5. Accordingly, with regard to the principles of the sovereign equality of States, non-intervention and non-interference in internal affairs, freedom of international trade and navigation, as enshrined in the international legal instruments, our Government condemns the economic, commercial and financial embargo unjustly imposed against Cuba and calls for it to be lifted.

**Burundi**

[Original: French]
[26 April 2005]

1. The Government of the Republic of Burundi endorses the Charter of the United Nations and international law and is committed at all times to respecting the relevant provisions of both, including, in this particular case, those concerning freedom of trade and navigation. The Government of Burundi is also proud of the good relations that have always existed between Burundi and Cuba through the ongoing spirit of friendship and cooperation between the two countries, even in difficult times.

2. The Government of the Republic of Burundi therefore maintains the same conduct towards the Government of Cuba and has no intention of initiating or promulgating any law or measure liable to impede the freedom of trade and navigation of the Cuban people.

**Cambodia**

[Original: English]
[2 June 2005]

1. The Royal Government of Cambodia fully shares, with many other States Members of the United Nations, the view that the continuation of sanctions against Cuba creates more tension rather than solving the existing problems of that region. The strategy of the prolonged embargo clearly demonstrates an act in violation of the human and other rights of the Cuban people, who naturally deserve to live in peace with the rest of the world.

2. The Royal Government of Cambodia wishes to appeal to all States Members of the United Nations to take the necessary measures to fully and effectively implement resolution 59/11.

**Cape Verde**

[Original: English]
[8 June 2005]

The Republic of Cape Verde, in accordance with the principles enshrined in the National Constitution and in conformity with the spirit of the Charter of the United Nations, which promotes solidarity, cooperation and friendly relations among countries and nations, has never promulgated or applied any laws or measures of the kind referred to in the preamble to resolution 59/11.

**Chile**

[Original: English]
[15 June 2005]

Chile maintains normal relations with Cuba and, in accordance with paragraph 2 of resolution 59/11, there are no economic or commercial laws being promulgated in Chile against Cuba that would impede the freedom of trade and navigation between the two countries.

**China**

[Original: English]
[11 May 2005]

1. Sovereign equality, non-interference in other countries' internal affairs and other relevant norms governing international relations should be duly respected. Every country has the right to choose, according to its national circumstances, its own social system and mode of development, which brooks no interference by any other country.

2. The differences and problems that exist among countries should be resolved through peaceful dialogue and negotiation on the basis of equality and mutual respect for sovereignty. The economic, commercial and financial embargo imposed by the United States on Cuba, which has lasted for too long, serves no other purpose than to keep high tensions between two neighbouring countries and inflict tremendous hardship and suffering on the people of Cuba, especially women and children. The embargo, which remains unlifted, has seriously jeopardized the legitimate rights and interests of Cuba and other States and the freedom of trade and navigation and should, in accordance with the purposes and principles of the Charter of the United Nations and relevant resolutions of the United Nations, be ended.

**Colombia**

[Original: Spanish]
[22 April 2005]

The Government of the Republic of Colombia, pursuant to the principles enshrined in the Charter of the United Nations, has neither promulgated nor applied unilaterally any laws or measures against Cuba or against any other State which

might affect the free development of that State's economy or trade. Colombia has voted in favour of the resolutions submitted by Cuba at every session of the General Assembly at which the topic has been discussed.

**Congo**

[Original: French]
[21 April 2005]

1. In accordance with the principles of the sovereign equality of States, non-interference in their internal affairs and freedom of international trade and navigation, the Congo will continue to develop its economic and trade links with Cuba, based on shared interests and mutual advantage.

2. As in previous years, the Congo will vote in favour of the resolution calling for the lifting of the economic, commercial and financial embargo on Cuba, as it believes that this unilateral measure is discriminatory and contrary to the provisions of the Charter of the United Nations.

**Cuba**

[Original: Spanish]
[5 July 2005]

1. The economic, commercial and financial embargo imposed by the United States against Cuba is the longest and cruellest known in the history of mankind, and forms an essential part of its policy of hostility and aggression towards the Cuban people. Its objective, defined as far back as 6 April 1960, has been the destruction of the Cuban Revolution "through disenchantment and disaffection based on economic dissatisfaction and hardship (...) denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and the overthrow of the government".

2. Further, it constitutes an essential component of the policy of State terrorism against Cuba which, silently, cumulatively, inhumanly and pitilessly, affects the population without distinction as to age, sex, race, religion or social position.

3. This policy, applied and exacerbated by ten United States administrations, also constitutes an act of genocide, under paragraph (c) of article II of the Geneva Convention for the Prevention and Punishment of the Crime of Genocide of 9 December 1948.

4. The embargo against Cuba is an act of war and a crime under international law, according to the definition of "embargo" adopted in 1909 by the London Naval Conference.

5. Although the total embargo on trade between the United States and Cuba was formally decreed by means of an Executive Order by President John F. Kennedy on 3 February 1962, embargo measures were put in place just a few weeks after the triumph of the Cuban Revolution on 1 January 1959.

6. The embargo is distinctly extraterritorial in nature. In order to heighten the effect of the loss of 85 per cent of Cuba's foreign trade following the break-up of the socialist camp in Europe and of the Soviet Union, in 1992 the United States approved the Torricelli Act, cutting off purchases by Cuba of medicines and food

from subsidiaries of United States companies in third countries, which at the time exceeded $700 million. The Act also introduced severe restrictions on maritime navigation to and from Cuba, thereby institutionalizing serious extraterritorial provisions.

7. The Helms-Burton Act of 1996 intensified the effects of the embargo. It increased the number and scope of the provisions having extraterritorial effect, instituted the prosecution of and penalties against current and potential foreign investors in Cuba and authorized the funding of hostile, subversive and aggressive acts against the Cuban people.

8. Since the end of 2001, as a result of strong pressure from the agricultural sector and from Congress, the United States Government has authorized, on an exceptional basis, the import by Cuba of food and medicines, although subject to severe restrictions and complicated procedures. Cuba is obliged to make payments in cash and in advance, and is precluded from obtaining credit funding, even from private sources. The sale and transportation of the goods require licences to be obtained for each transaction. Cuba cannot use its own merchant fleet for transporting these goods, but has to make use of vessels from third countries, primarily the United States of America. Payments are made through banks in third countries, since direct banking relationships are prohibited.

9. The restrictions on importing medical products are so extensive that they make such imports virtually impossible. They include verification by the exporter of the use to be made of the product or equipment at the final destination and a ban on selling advanced-technology products or equipment to Cuba.

10. More than 70 per cent of Cubans were born and have lived under the embargo. The Cuban people defends its right to self-determination and demands respect for its sovereign system of independence, social justice and fairness.

11. According to preliminary and conservative calculations, the direct economic damage suffered by the Cuban people owing to the imposition of the embargo exceeds $82 billion, an average of $1,782 million per year. This figure does not include the more than $54 billion in direct damage caused to the country by the acts of sabotage and terrorist activities encouraged, organized and financed from the United States, nor the value of items whose production ceased or the damage resulting from the onerous conditions imposed on Cuba for obtaining credit. This year the amount of the damage exceeded $2,674 million.

12. The call by the General Assembly to end this embargo policy, contained in 13 of its resolutions adopted with the virtually unanimous support of the States Members of the United Nations, has been defied by the United States authorities, confirming that country's absolute disdain for the United Nations, multilateralism and international law.

13. On 30 June 2004, the measures included in the report of the so-called Commission for Assistance to a Free Cuba, approved by George W. Bush on 6 May 2004 came into effect. Its 450 pages contain proposals for new actions and measures intended to intensify the embargo, by taking stronger action against tourism and investment in Cuba, restricting financial flows and travel to the island, and limiting even further remittances from family members and exchanges in various spheres, in order to pave the way for intervention by the United States in Cuba and the

imposition of a "regime change", as was proclaimed by the United States President on 20 May of that year.

14. The period covered by the present report — the second half of 2004 and the first half of 2005 — has witnessed the application of such measures, proving once again to the criminal intentions of the United States administration with regard to the Cuban people.

**Steps taken by the United States of America to intensify the embargo**

15. On 8 July 2004, pursuant to President Bush's Proclamation 7757, the Coast Guard Service issued new regulations restricting the departure of recreational craft intending to enter Cuban waters. The regulations provide for fines of $25,000, or five years' imprisonment, or both, as well as the confiscation of violators' vessels.

16. On 30 September 2004, the United States Department of the Treasury stated that, in accordance with the recent changes to the Cuban Assets Control Regulations, 31 C. F. R. Part 515 (the "Regulations"), United States citizens or permanent residents cannot legally purchase products of Cuban origin, including tobacco and alcohol, in a third country, not even for their own personal use while still outside the United States of America. The maximum penalties for violating these regulations can reach 1 million dollars in fines for corporations and $250,000 and up to 10 years' imprisonment for individuals.

17. On 9 October 2004, the Deputy Assistant Secretary of State for Western Hemisphere Affairs, Dan W. Fisk, announced the establishment of a "Cuban Assets Targeting Group" to investigate new channels in which currency was being moved into and out of Cuba, and to cut them off.

18. In the second half of 2004, the Office of Foreign Assets Control (OFAC) classified Melfi Marine Corporation S.A. and Tour Marketing Ltd. as "Specially Designated Nationals" of Cuba, and serCUBA as a "national of Cuba", resulting in the immediate subjection of these companies to the embargo regulations.

19. In January 2005, it emerged that OFAC has been interpreting the regulations on travel to Cuba to mean that United States citizens were not allowed to take part in meetings in Cuba sponsored and organized by United Nations agencies, unless they obtained a permit in advance.

20. On 22 February 2005, OFAC reinterpreted the concept of "payment in cash and in advance" for purchases by Cuba of agricultural and medical products in the United States of America, stipulating that this meant that the payment had to be made before the merchandise was loaded in a United States port for shipment to Cuba. The measure entered into force on 24 March 2005.

21. On 24 February 2005, a Court of Appeals overturned the decision handed down on 29 March 2004 by a New York judge who had ruled that the United States, pursuant to international treaties, was obliged to recognize the rights of the Cuban company Cubatabaco to the trade-name Cohiba within the territory of the United States, under the doctrine of "well-known marks".

22. In April, entry to the United States was denied to the new executives of the Canadian company Sherritt, and their families, under Title IV of the Helms-Burton Act.

**Pressure, threats and penalties against persons, institutions and non-governmental organizations**

23. On 6 July 2004, OFAC warned the participants in the caravan of solidarity of the United States organization Pastors for Peace that any of them who travelled to Cuba without the appropriate permit from the Department of the Treasury would be subject to the penalties provided for in the regulations. Traditionally, the caravan has travelled to Cuba to take donations of, inter alia, medicines, second-hand computers, toys and books.

24. On 12 November 2004, the President of the Cuban American Alliance Education Fund (CAAEF) received a letter from OFAC requesting a list of all the individuals and institutions who had made use of their travel permits in the past five years.

25. On 23 November 2004, the Corcoran Gallery of Art, in Washington, D.C., under pressure from OFAC and the Department of State, cancelled a cultural event sponsored by the Cuban Interests Section.

26. On 30 March 2005, OFAC sent a letter to the organization U.S./Cuba Labour Exchange, insisting that it should "cease and desist" from promoting and organizing a trip to Cuba by a delegation to attend the Fourth Hemispheric Meeting to oppose the FTAA and take part in the activities of International Labour Day. OFAC also demanded to receive within 20 working days a detailed list showing the personal data of the members of the delegation.

27. In April 2005, OFAC sent a circular to the organizations holding permits for travel to Cuba for religious purposes, informing them that it was investigating alleged "abuses of religious permits", which could lead to the suspension or revocation of the permits and the imposition of administrative fines or criminal penalties. The circular stressed that donations to Cuba from religious organizations, or individuals or groups required authorization from the Department of Commerce.

28. During 2004, OFAC imposed fines on 316 United States citizens and residents for violating various provisions of the embargo. In the first four months of 2005, 307 fines had already been imposed.

29. Although the new restrictions on travel did not go into force until the second half of 2004, last year travel to Cuba by United States citizens decreased by 40.5 per cent by comparison with 2003. Travel by Cubans residing in the United States declined by 50.3 per cent in the same period.

**Growing opposition to the embargo within the United States**

30. The United States Government continues to ignore public opposition to the embargo within its territory, expressed, inter alia, in numerous statements and through actions in Congress and in state governments, and by politicians and intellectuals, non-governmental organizations and the business sector. Some of the most important of these are:

- On 7 July 2004, the House of Representatives adopted by a vote of 221 to 194 an amendment proposed by Congressman Jeff Flake (Republican-Arizona) to the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act for Fiscal Year 2005, prohibiting the use of funds

to implement the new regulations on the sending of parcels and limits on personal baggage of travellers to Cuba.

- On 21 September 2004, the House of Representatives adopted by a vote of 225 to 174 an amendment submitted by Congressman Jim Davis (Democrat-Florida) prohibiting the use of resources allocated to OFAC to implement the restrictions on travel to Cuba by Cuban emigrants, which have been in force since 30 June.

- On 22 September 2004, the House of Representatives adopted two amendments concerning Cuba to the Departments of Transportation and Treasury Appropriations Act for Fiscal Year 2005. The first, proposed by Congresswoman Barbara Lee (Democrat-California) and Congressman Charles Rangel (Democrat-New York), prohibits the use of the resources allocated to OFAC to implement the regulations enacted on 30 June which impede programmes in Cuba for United States students. The second, introduced by Congresswoman Maxine Waters (Democrat-California), prevents the use of the funds approved in order to impose restrictions on exports of food and medicines to Cuba, including those relating to access to private loans. All of those amendments, however, were deleted from the final text of the acts, through the use of various procedural manoeuvres.

- The annual convention of the American Farm Bureau Federation (AFBF), held from 9 to 12 January 2005, adopted a resolution calling on the administration of President George W. Bush to normalize trade relations with Cuba immediately.

- On 16 March 2005, the USA Rice Federation called on Congress to reverse the regulation on payment for purchases of food by Cuba and to allow existing contracts to be fulfilled, in compliance with the Trade Sanctions Reform and Export Enhancement Act (TSRA) of 2000.

- On 26 April 2005, the establishment of the U.S.-Cuban Trade Association was officially announced, comprising more than 30 companies, state agencies and organizations from 19 states. The Association's purpose is to work for the elimination of the restrictions on trade with Cuba, and its members include such major corporations as Arthur Daniels Midland, Caterpillar and Cargill. Its board of directors includes a number of former Secretaries of Commerce and Secretaries of Defence, one former Trade Representative and a former Director of the Central Intelligence Agency (CIA), as well as eminent personalities such as David Rockefeller.

- In the first four months of the current year, representatives and senators, both Republican and Democrat, introduced more than a dozen draft laws and amendments to eliminate various prohibitions under the embargo.

### 1. Extraterritorial aspects of the embargo policy

31. The falsity of the United States Government's cynical insistence on presenting its embargo policy against Cuba as an exclusively bilateral matter has been clearly demonstrated by its impact on numerous States, and citizens and companies from third countries, resulting from the extraterritorial provisions of the embargo, which not even international organizations of the United Nations system have been able to avoid.

**Increasing impact of the embargo through the growing involvement of the United States in the international economy**

32. The damage caused by the extraterritorial nature of the embargo is exacerbated by the significant involvement of the United States and its companies in international trade and investments. The United States controls 45 per cent of the principal transnational corporations around the globe, including 8 of the 10 largest. It is also the world's leading source of investment. The amount invested abroad increased from $125 billion in 2002 to $152 billion in 2003. The proportion of United States involvement in foreign direct investment worldwide grew from 19 per cent to 25 per cent in this period. The United States is the leading importer of goods at the international level (21.9 per cent) and is the world leader in commercial exchange of services.

33. Both the investments of third-country companies in the United States, and of American companies abroad, basically in the form of mergers and total or partial acquisitions of companies, exacerbate the extraterritorial effects of the embargo by reducing Cuba's external economic space and making it more difficult, and at times impossible, to find partners and suppliers to circumvent the ironclad United States embargo.

A number of examples are described below:

- A large proportion of the technology, equipment and supplies of the Center for Molecular Immunology, which develops and manufactures diagnostic and therapeutic products, such as vaccines against cancer, came from the Swedish company Pharmacia, which was bought by Amersham, in turn acquired by the United States company General Electric. The latter, once in possession of Amersham, gave it just one week to close its office in Cuba and to suspend all its contacts with the country. Now, 25 per cent of the technological equipment obtained from Pharmacia is inoperable owing to a lack of spare parts.

- Through the Global Fund to Fight AIDS, Tuberculosis and Malaria, implemented by UNDP, tinned meat with a value of $50,400 was obtained for AIDS patients from the Brazilian company Oro Rojo. Subsequently, the company announced that the factory had been acquired by an American company and that one of the first instructions received was to cancel its business with Cuba.

- Given the scale of the United States market and the country's level of technological development, many companies from various parts of the world refrain from doing business with Cuba or break off their relations with it, even when they have no share capital investments from or in the United States or a significant presence in its market, in order not to jeopardize any possible future connections with capital from the super-Power.

- The First Caribbean International Bank, located in the Bahamas, sent a letter to the company Havanatur, informing it that, as from 7 February 2005, it was terminating their banking relationship, because "they did not want to have problems with the Americans".

- The British bank Barclays recently informed the executives of the Cubaniquel company in London that they were weighing the possibility of not doing business with the latter, because the bank manager was an American and the

laws of the United States Government applied not only to companies, but also to individuals.

**Civil penalties imposed by OFAC against organizations (companies, banking institutions and non-governmental organizations)**

34. In 2004, a total of 77 companies, banking institutions and non-governmental organizations from various parts of the world were fined for actions considered to be in violation of the regulations of the embargo. Of these, 11 were foreign companies or subsidiaries of American firms located in third countries such as the Bahamas, the British West Indies, Canada, Italy, Mexico, Panama, the United Kingdom and Uruguay. Seven others, including Air Jamaica, Alitalia, the Bank of China, Daewoo and Iberia were penalized because of allegations that their subsidiaries in the United States had violated certain provisions of the embargo against Cuba. Eight of them paid fines exceeding $50,000.

35. In 2004, some of the largest fines were paid by the following companies: Alpha Pharmaceutical, Inc.; ICN Farmacéutica S.A. de C.V.; Laboratorios Grossman, S.A., located in Panama and Mexico City — $198,711.73 for importing and exporting goods to and from Cuba between 1998 and 2003; Trinity Industries de México, S.A. de C.V., located in Mexico City — $55,000, for selling and financing the shipment of goods intended for Cuba in 2001.

36. In the first four months of 2005, five organizations were fined by OFAC (one bank, three companies and one non-governmental organization). They included the company Martinair Holland N.V., operating under the name of Martinair USA, headquartered in the Netherlands, which was fined $6,300 for providing travel services without a permit and for transferring funds, in 2003.

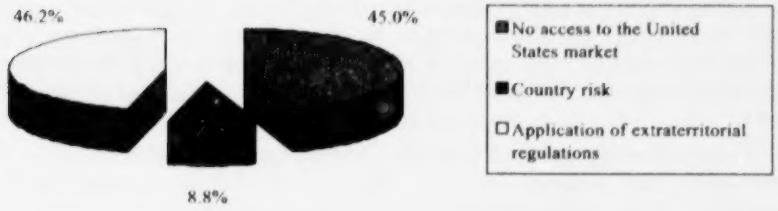
**How the extraterritorial nature of the embargo affects foreign trade and investments**

37. It is estimated that, in 2004, the impact of the embargo on Cuba's foreign trade reached $822.6 million, which was $57.2 million higher than the total for the preceding year.

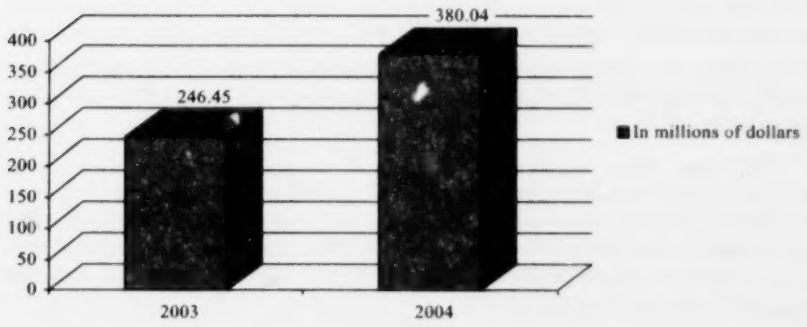
38. The most significant effects identified arise out of the application of extraterritorial regulations, calculated at $380 million, although impossibility of having access to the United States market continues to have a considerable impact, as is shown in the following diagram.

Diagram

**Costs due to the embargo's restrictions on Cuba's foreign trade (2003-2004)**




**Effects of the embargo's extraterritorial regulations on Cuba's foreign trade (2003-2004)**



39. The impossibility of gaining access to what is potentially a natural market for Cuba — with an impact estimated at $305.2 million — has made it necessary to turn to other countries for imports and exports.

40. Even the limited purchases of food and medicines from the United States have had an economic cost of $23.7 million, the result of the restrictions under which such purchases were made. This impact comprises excess currency exchange costs arising from the necessity of carrying out transactions through intermediary banks, delays in the unloading of the ships owing to tardy collection of payments and freight charges since the vessels have to return to the United States in ballast.

41. Cuban exports of information material which may be made to the United States on an exceptional basis, have to be done through third countries, which increases the cost by 40 per cent. For this reason, some United States institutions have ceased acquiring Cuban publications, resulting in a loss of income for the country.

42. From a financial point of view, the embargo has had marked impact on the high country risk assigned to Cuba. This has resulted in economic damage amounting to $72.2 million owing to the difficult conditions for gaining access to external financing.

**Impact on the growth of foreign investment and economic cooperation**

43. Cuba is unable to receive American investment or development loans from the principal United States and international financial and monetary institutions.

44. In 2004, the World Bank allocated $5.3 billion to Latin America and the Caribbean, and the Inter-American Development Bank (IDB) disbursed $4,232 million for development programmes in the region. Not one cent of these amounts found its way to Cuba. In the case of IDB, using the amount obtained by a country economically similar to Cuba in terms of gross domestic product (GDP) and population such as Ecuador as a benchmark, Cuba would have had access to financing amounting to approximately $48.8 million, if it were not for the embargo.

45. In 2003, the United States granted $1,818 million in official development assistance to Latin America and the Caribbean. Cuba did not derive any benefit from these flows.

46. The United States Government fraudulently manipulates the information on the resources that Cuba receives from America, asserting that these amount to more than a billion dollars every year, in donations authorized by the Department of the Treasury and the Department of Commerce. In 2004, the donations received from non-governmental organizations authorized by the United States Government amounted to no more than $4,368,279.

**The effects of the embargo on investment and cooperative ventures have been substantial**

47. The company VECO Canada Ltd., in which Americans have shares, was prevented from participating with Cupet S.A. in projects developing infrastructure and technological capacity for fuel distribution and storage in Cuba. After starting negotiations and making progress on various proposals, the Canadian company was forced to withdraw.

48. The mixed corporations with foreign capital Cubanco S.A. and Silares Terminales Caribe N.V., which depend for successful operation on the international market for cruise ships and ferries, had to pay $2,581,816 in wharfage charges and lost $52,526,722 in passenger fees. As a result of the embargo, more than 70 per cent of the cruise ships operating in the Caribbean, with home ports in Florida (Miami, Fort Lauderdale, Cape Canaveral and Tampa), are prevented from including Cuban ports in their weekly itineraries.

**Section 211 of the 1999 United States Omnibus Consolidated and Emergency Supplemental Appropriations Act and further trademark-related violations**

49. The United States Government has kept in force Section 211 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, under which Cuban owners and their heirs, including foreign companies with interests in Cuba, are denied the recognition and enjoyment, on United States territory, of their rights to trademarks or trade names that are registered and protected in Cuba, on the grounds that they are associated with former properties nationalized by the Cuban Government.

50. The application of Section 211 has very negative bilateral and multilateral implications. From a bilateral perspective, it reinforces the embargo, since it seeks to prevent any expansion of foreign investment in Cuba having to do with the international marketing of Cuban products with trademarks and trade names that enjoy prestige worldwide.

51. The application of this Section by a New York court prevented a ruling in favour of a Cuban and French-owned company (Havana Club Holding) in a lawsuit brought in 1996 — in other words, prior to the approval of Section 211 — in response to the unauthorized assumption by Bacardi of the right to use the Havana Club trademark in the United States by fraudulently marketing a rum in that country, produced outside Cuba.

52. In this context, suffice it to recall the decision by the Appellate Body of the World Trade Organization (WTO) of January 2002, which found that Section 211 was contrary to the national treatment and most-favoured nation obligations of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), and recommended that the United States bring the legislation concerned into conformity with those obligations, within a reasonable period of time.

53. The repeated postponement by the United States Government of its compliance with the WTO decision proves its lack of political will to help ensure the effectiveness of that body's procedures for the settlement of disputes, at a particularly difficult period in multilateral trade negotiations.

54. Cuba, by contrast, has honoured and continues to protect the rights of hundreds of United States companies that maintain in effect in its territory their registrations of more than 5,000 trademarks, trade names and patents.

55. Bill S. 691, introduced on 4 April 2005 by Senator Pete Domenici (Republican-New Mexico), seeks to make cosmetic changes to Section 211 in order to keep it in force, without genuinely complying with the WTO recommendations. There is a corresponding version of the bill in the House of Representatives (HR-1689), introduced on 19 April 2005 by Congressman Tom Feeney (Republican-

Florida) and is co-sponsored by representatives opposed to the lifting of the embargo against Cuba, such as Ileana Ros-Lehtinen and Dan Burton.

56. Cuba is following closely the progress of these two bills and considers the complete revocation of Section 211 to be the only acceptable solution.

57. Additionally, the Court of Appeals for the Second Circuit of New York recently confirmed, in an unprecedented step, its decision not to recognize the legitimate trademark rights of the Cuban tobacco company Cubatabaco, the owner of the prestigious Cohíba trademark for Cuban cigars.

58. This decision and that of the same court that the provisions of the embargo take precedence, completely ignore the international obligations of the United States in the area of trade and trademark protection.

59. Usurpation in the territory of the United States, of Cuban trademarks that enjoy broad international prestige and are backed up by international conventions and treaties could give rise to a climate of uncertainty, with real consequences not only for Cuba but also for the economic and commercial interests of companies in the United States itself.

**Examples of the impact of the extraterritorial application of the embargo**

60. In August 2004, an order was placed with the Brazilian company Mebrafe for equipment to upgrade the entire refrigeration system of the Unión Láctea, as part of a social programme for providing soy yoghurt to children between 7 and 13 years of age. The equipment ordered included 14 Sabroe refrigeration compressors, valued at $339,389. The price in Europe is 40 per cent higher. Sabroe of Denmark was acquired by the United States company York and, as a consequence, York's distributor in Brazil indicated that it had been informed by its parent company that the sale of compressors to Cuba was prohibited.

61. In 2005, Cuba is manufacturing or importing 3 million pressure cookers and the same number of electric rice cookers for distribution to all households at subsidized prices, with the aim of improving the living conditions of the population. In the case of the pressure cookers, attempts to obtain components to make them, or to obtain the finished product, have failed three times, with three different Mexican companies:

- In March 2005, an order was placed with the firm Vafe S.A. de C.V. for phenol, which is used to manufacture the handles of the cookers. This firm, after advancing the offer, was forced to withdraw it, since the material was of United States origin.
- It was then decided to change the technology and use polypropylene instead. An order was placed with the firm Indelpro S.A. to supply this material. A competitively priced proposal was received, but the supplier cancelled it upon learning that the destination was Cuba.
- Contracts were then signed for the purchase of 185,000 units made by EKCO. The money was transferred via Motoinsa to the Mexican bank Banamex, which is a subsidiary of the American Citibank. The transaction was thwarted as a result of pressure from the United States authorities.

62. Information was sought from the Zim shipping line, which is Israeli, on the costs of marine carriage between Havana and Chile. The response was that it was impossible to provide us with that information or carry out the transport owing to the Torricelli Act, since its ships often entered United States ports. We were forced to accept a higher rate from a different foreign line. Such cases have caused losses over the period to Cuban fishery companies amounting to $3,593,400, of which $615,100 was for freight charges. With those lost resources, over the period Cuba could have purchased 5,245.9 tons of fish to feed our people, at the approximate price of $685 per ton on the international market.

63. It was not possible to acquire spare parts and the radioactive seeds for two automatic afterloading machines for the treatment of gynaecological tumours (brachytherapy equipment), purchased from the Canadian firm MSD Nordion, since that company had sold the brand for this equipment to the United States firm Varian. This meant that 120 patients were unable to receive the best treatment option until these machines were replaced by others, from Europe.

64. Radiometer, a Danish company that manufactures of blood gas analysers (used in intensive care units), whose direct links with the importing company MediCuba go back more than 35 years, was forced in 2004 to close its branch office in Havana after being acquired by the United States company Danaher. This has subsequently increase costs by an estimated $200,000 per year.

65. The Biology Faculty of the University of Havana was prevented from obtaining from the companies Sigma and Clontec a set of reagents for extracting DNA and RNA from biological samples, which are of use in studies with applications in biotechnology. Although the financing for the acquisition came from a Swedish-funded project, the supplier refused to make the sale, on the grounds of the embargo.

66. Recently, the Institute of Pharmacy and Food Science, and the Chemistry and the Biology Faculties at the University of Havana were unable to acquire spectrophotometers or spare parts for them, for use in laboratory work. The Institute had purchased equipment costing $13,000 per unit from the European firm LKB Pharmacia, but the firm was purchased by American interests, and, as a result, its subsidiary in Spain refused to supply the spare parts. A professor tried to obtain new bulbs from the subsidiary in Spain, but this was refused once it was discovered that she was of Cuban nationality.

67. VIP International Corporation, a Canadian firm that was representing the Gran Caribe hotel group within Global Distribution Systems (for hotel reservations and other services), announced at the beginning of July 2004 that it would be ceasing its operations at the end of the month, since the United States Government had ordered that it could not continue those operations because the reservations were being made through companies based on United States territory. The potential losses in reservations were calculated at $300,000.

68. On 2 December 2004, the major hotel and travel consortium Cendant Corporation, headquartered in the United States, acquired e-bookers, one of the leading online reservation companies in the United Kingdom, which had been handling reservations for the Gran Caribe group. With effect from 1 January 2005 it ceased to provide this service, as a consequence of the provisions of the embargo.

69. An American company bought up another two online distribution providers in the United Kingdom, Octopus and Travelbag, limiting the available alternatives even further.

70. The acquisition of spare parts for the equipment used by Cuba's Antidoping Laboratory has also been prohibited, which has meant that on occasion the equipment has been deactivated, resulting in damage totalling $397,008.80. Some of the items required, although made in Europe, as is the case for the AS2000 auto-injector, made in Italy, are parts of an isotope ratio mass spectrometer of United States manufacture, and consequently cannot be obtained by Cuba.

71. Cuba's Civil Aeronautics Institute was prevented from leasing an American PW 127 engine, which immobilized a European-built ATR aircraft for 17 days, resulting in economic damage of $126,000.

72. In September 2004, the Swedish airline Novair, which had entered into a lease contract with the airline Cubana de Aviación for an Airbus 330 in February 2003, notified Cubana that its maintenance company, SR Technics, had said that it would have a problem in continuing to provide services in Havana, since it was in violation of the regulations of the United States Department of Commerce. On 30 April 2005 the lease of the A330 was terminated, and Cubana had to lease a different and more costly aircraft in order to be able to fulfil its commitments to the users, at an additional cost of over $2 million.

## 2. Economic and social impact

### Summary of the effects of the embargo on some of the sectors suffering the greatest social impact

73. Such highly sensitive sectors as those of food, health, education, housing and transport have been among the principal targets of this genocidal policy.

74. During the year, the embargo has cost the food industry an estimated $55,863,957, an amount that would be sufficient to guarantee the technological upgrading of approximately one third of the industry.

75. In 2004 alone, the direct cost of the embargo to Cuba's poultry industry exceeded $16.1 million, restricting a source of protein for the population and preventing the industry from making an increase in production equivalent to $30 million, by means of which an additional 750 million eggs could have been produced.

76. The lack of access to advanced technologies, which are primarily American, paralysed the production of poultry meat during the year, slashing the industry's production by more than $5 million and necessitating the relocation of more than 4,000 workers in the sector to other jobs.

77. The Assorted Crops Company attached to the Ministry of Agriculture has estimated at more than $1 million the additional freight costs for importing potato and vegetable seeds from third countries. This amount represents 50 per cent of the cost of vegetable seeds imported in the year.

**Impact of the embargo on the health sector**

78. In the health sector, the impact of the embargo has been calculated at $75.7 million during the period covered by the present report. This figure does not include the incalculable harm from the suffering inflicted on the Cuban people caused by shortages of medicines, equipment and consumables.

79. The embargo has affected the programme for treating children needing a liver transplant. One example is the lack of a response from Abbott Laboratories concerning acquisition of metering equipment for the immunosuppressant Tracolimus (FK506), which is produced solely by this United States laboratory and which is essential for monitoring blood levels, variations in which can cause complications from infections and secondary tumours.

80. Sales of cholesterol-reducing products in the United States totalled $18 billion in 2004. If the policosanol made in Cuba had been introduced into the United States and had accounted for only 1 per cent of the sales, Cuba would have received an income of $180 million from it in 2004.

81. Cuba had to acquire diagnostic kits for the medical entomology laboratories on distant markets, for example in Asia. The country would have saved 30 per cent of the cost, $52,116, if it had bought them on the United States market.

82. In the course of 2004, $1,518,905 was spent on the purchase of insecticides. If they had been bought in the United States, the shipping costs would have been approximately 20 per cent lower, thus saving some $303,781.

83. The embargo prevented Cuba's national cardiology programme from obtaining consumables used in interventional cardiac procedures directly from the manufacturers. This represented an additional cost of $66,275.

84. The American company Gibco produces AmnioMAX, which is a culture medium for the detection of foetal congenital malformations in women over 38 years of age and is the only product known on the international market for carrying out this test. Every year, approximately 6,160 100 ml vials of it are imported for the Cuban National Center for Medical Genetics through an intermediary. If Cuba could purchase it directly, it would save $136,700.

85. The impact on the education sector during the reporting period is estimated at $60 million, which would have been sufficient to eliminate the principal shortcomings found in this sector.

86. This sector continues to suffer the impact reported in the last two reports that Cuba submitted to the Secretary-General relating to the supply of pencils, notebooks, paper and other learning materials and equipment needed for general use in the educational process, and the impact on arrangements for boys and girls with special educational needs, above all for the purchase and/or repair of Braille machines for blind and visually impaired children as well as the purchase of Braille paper, and the equipping of special schools for those suffering from visual impairments such as strabismus or amblyopia.

87. Approximately 80 per cent of the refrigeration units for storing food in the country's 786 secondary schools are either inactive or in very bad condition. The cost of repairing them would amount to approximately $9,420,000, equivalent to an

annual outlay of $1,884,000 over a period of five years, which the country has not been able to assume owing to the limits on resources resulting from the embargo.

88. The transport sector has also been severely affected. As an example, we may note the situation of the vehicles and engines used in Havana's Metrobus service, most of which are manufactured in the United States. With the $795,642.33 in excess costs paid for the purchase of 98 vehicles through intermediaries in the course of the year, it would have been possible to buy another 62 vehicles. In addition, Cuba had to pay an additional $567,978, owing to its inability to obtain spare parts directly from the United States. With these two amounts, it would have been able to increase bus service by 30 per cent.

89. In order to solve the main housing problems in our country, it would be necessary to build at least 50,000 units a year for 10 years, 20,000 of them in Havana alone. Currently, the cost of building one housing unit is up to $8,000, depending on the type of construction selected. That means that with $4 billion, 500,000 dwellings — enough to offset the country's housing shortage — could be built in 10 years.

90. If it were possible to obtain building materials from American companies or their subsidiaries in the area, the cost of building a housing unit would go down on average by 35 per cent.

**Impact on other sectors of the national economy**

91. As can be seen below, not one sector of the Cuban economy has escaped the hardships caused by the embargo.

92. In the reporting period, $152,234,987 in income was lost as a result of the non-provision of airport and other services, owing to the travel ban imposed on United States citizens. The additional travel bans, in force since 30 June 2004, have meant that 87 per cent of the United States aircraft that were supposed to land at our airports did not do so, resulting in economic losses of $3,537,384.

93. The total impact on the civil aviation sector during the reporting period amounted to $178,061,459. With the resources that were not received in this sector last year, it would have been possible to build a total of 22,258 dwellings.

94. In light industry, the impact in the form of higher prices and excess freight charges totalled $12,402,800. With that amount, it would have been possible to double the amount in the basic basket for the population of soap and detergent, and to increase the supply of toothpaste by 48.7 per cent.

95. Bearing in mind that Cuban sugar exports in the past represented 58.2 per cent of the total import of sugar to the United States, it is estimated that the impact on Cuba in this area reached $154.1 million in the period in question.

96. The losses in the tourism sector amounted to $1,043 million between April 2004 and March 2005. With $80 million it would have been possible to build two five-star hotels, each with 500 rooms, and to rehabilitate 3,000 dilapidated rooms.

97. There are still restrictions on the activities of Cuban musicians in the United States market. On the basis of the considerable demand for performances by Cuban artistes in the United States, the Cuban company Artex would have taken in a minimum of $9 million. The sale of CDs, DVDs and other musical products would

have brought in an income of at least $1 million. With only $3,059,600, it would have been possible to overcome all the material shortages currently impeding the Programme of Schools for Children with Special Educational Needs.

**Adverse effect on academic, scientific, cultural and sport exchanges between the Cuban and American peoples**

98. In addition to the economic impact already described, the United States Government seeks to impede academic, scientific, cultural and sport exchanges between the two peoples.

99. Cuban institutions and writers are unable to participate in book fairs in the United States, including the Puerto Rico International Book Fair in San Juan. By not having been able to participate in either of the last two San Juan Fairs, the country lost income of around $15,000, which could have financed a run of no less than 7,000 copies of a popular edition of Cervantes' "Don Quixote".

100. The participation of Cuban scientists in international scientific meetings and events, some of them multilateral, is systematically impeded by the denial of entry visas to the United States. The dozens of events which they were prevented from attending are enumerated below:

- XXIX Inter-American Congress of Sanitary and Environmental Engineering, San Juan (Puerto Rico), 22 to 26 August 2004
- Scientific exchange between the University of Harvard and the Pedro Kouri Cuban Institute of Tropical Medicine, Boston, 1 to 10 September 2004
- Scientific exchange on Cuba's experience in preventing chronic renal disease in primary health care, San Juan (Puerto Rico), 3 to 13 November 2004
- Annual meeting of the American Society of Clinical Oncology, Orlando, Florida, 13 to 17 May 2005
- Annual meeting of the American Urological Association, Texas, 21 to 26 May 2005

101. All the Cuban academicians — 64 in total — invited to take part in the XX Congress of the Latin American Studies Association (LASA), held in October 2004 in Las Vegas, were denied a visa, something that had never happened before.

102. Since the enactment in 2004 of the additional measures prohibiting travel to Cuba, not a single student group has been able to visit our country. The travel permit which had been issued by the Department of the Treasury to the American non-governmental organization Medical Education Cooperation with Cuba was withdrawn. The organization offers courses every year in Cuba for 200 students and professors in medicine, nursing and public health.

103. The United States Government has blocked the participation of American scientists and academicians in various scientific encounters and events held in Cuba, including:

- International Conference on Maxillofacial Surgery, in June 2004. The 50 Americans who were expected were denied permission to travel to Cuba.

- Pan-American Congress of Child and Adolescent Mental Health, Havana, 30 March to 1 April 2004. A few days before the opening day, the 160 Americans who had confirmed their participation received a personal letter from OFAC, threatening them with severe penalties and prohibiting them from participating. This event was sponsored by the Latin American Psychiatric Association and the American Academy of Child and Adolescent Psychiatry (AACAP).

104. Sports exchanges have also been affected. The general permit for the participation of United States athletes in amateur and semi-professional competitions in Cuba, including those sponsored by an international federation, was withdrawn. There was a notable drop in participation by athletes from the United States in events held in Cuba. In 2004, the figure was 128; in the first quarter of 2005 there were only 34.

105. In November 2004, the disabled athletes of World Team Sports encountered difficulties participating in the Marabana marathon because their travel permit had been revoked in 2003. Some 90 American runners, who had usually taken part in the event, were prevented from doing so.

106. Between April 2004 and May 2005, four delegations each comprising five Cuban sport officials were denied visas to travel to the United States, even though they were going to participate in important Olympic Solidarity meetings and courses.

### 3. Some effects of the embargo on the economy of the United States, on its people and on other peoples of the world

107. The embargo policy also harms citizens of the United States and third countries.

108. Elimination of the embargo could generate 100,000 jobs and additional income of $6 billion for the United States, according to a study submitted last June by the director of the Center for Business and Economic Research at the University of South Alabama.

109. A study by the World Policy Institute in New York showed that the unrestricted sale of food and medicines to Cuba could, on its own, generate $1.6 billion a year — approximately four times the current amount spent on food purchases — and 20,000 new jobs in the American economy.

110. The fact that Cuban institutions are prohibited from participating in the clinical trials of medicines manufactured in the United States also directly affects the people of the United States and other countries. For example, the American who designed the trials for a sickle-cell anaemia drug have estimated that Cuban participation could have brought the new medicine to market at least a year earlier, since the tests would have benefited from the existence in Cuba of a national register of patients suffering from this disease, something which does not exist in the United States.

111. The negative effects of the embargo on Cuban biotechnology also have indirect detrimental consequences for health care in underdeveloped countries. Worldwide, Cuba is the country with the largest number of design projects for preventive and therapeutic vaccines against the principal diseases found in the third world. In total, there are 29 such projects.

112. Out of more than 100 international projects, for example, the Pediatric Dengue Vaccine Initiative (PDVI-USA) and the National Vaccine Institute of the Republic of Korea selected one from the Cuban Center for Genetic Engineering and Biotechnology, owing to its major importance to the prospects of obtaining a vaccine against dengue fever, a disease afflicting many of the underdeveloped countries. Financing was granted for the other 12 projects selected, while the one in Cuba had to be rejected because of the embargo.

113. In 2002, heart disease caused 240.8 deaths for every 100,000 inhabitants of the United States, thus representing the principal cause of mortality in the country. Cerebrovascular disease, with 56.2 deaths per 100,000, represents the third leading cause of mortality. According to the editors of the *Harvard International Review*, Ryan Bradley and Edy Rim, an independent evaluation by the University of Geneva endorsed the innovative Cuban medicine PPG (ateromixol or policosanol), created in 1991, as the best anti-cholesterol drug available.

114. A scientific article entitled "Meta-Analysis of Natural Therapies for Hyperlipidemia: Plant Sterols and Stanols Versus Policosanol", published in *Pharmacotherapy* in 2005, reports that plant stanols and sterols, available in the United States, are well tolerated and safe, but that policosanol (PPG) is more effective than the others in reducing LDL cholesterol (bad cholesterol) and is much better for the patient, because the dosage is only one tablet a day, it is much cheaper and it has greater potential for cardiovascular benefits.

## 4. Conclusions

115. According to tentative and conservative calculations, the direct economic damage suffered by the Cuban people owing to the application of the embargo exceeds $82 billion, an average of $1,782 million per year. This figure does not include the more than $54 billion in direct damage caused to the country by the acts of sabotage and terrorist activities encouraged, organized and financed from the United States, nor the values of items whose production ceased or the damage resulting from the onerous conditions imposed on Cuba for obtaining credits. This year the amount of the damage exceeded $2,764 million.

116. In its second term, the Administration of President George W. Bush is continuing to escalate to unprecedented levels its policy of aggression and the embargo against the Cuban people, in open contempt of the principles of the Charter of the United Nations and of international law, of freedom of trade and navigation and of the repeated and virtually unanimous desire of the international community that this genocidal policy should cease, as expressed in successive resolutions adopted by the General Assembly.

117. The implementation of the embargo not only severely affects the Cuban people; it also harms the interests and rights of the people of the United States and other countries in the world. The past year was characterized by an intensification of the extraterritorial effects of the embargo, whereby the regulations, penalties and threats against foreign citizens and companies were made stricter and more fierce.

118. The Cuban people will not renounce their independence, their sovereignty and their right to self-determination. This resolve has made it possible, despite the embargo, to build a society that is increasingly just, equitable and educated, in

solidarity with other peoples from countries around the world, including the United States.

119. Cuba knows that it will be able to continue to count on the support of the international community in defence of its just call for an end to the economic, commercial and financial embargo imposed by the Government of the United States against the Cuban people.

**Cyprus**

[Original: English]
[26 April 2005]

Cyprus does not favour any attempt to enforce in its territory laws that are promulgated by other States. It is therefore opposed to the adoption of any measures that have extraterritorial application on its territory.

**Democratic People's Republic of Korea**

[Original: English]
[10 May 2005]

1. It is a consistent principled position of the Government of the Democratic People's Republic of Korea to oppose the imposition of all kinds of unilateral sanctions on independent sovereign States.

2. The United States Administration has carried out is policy of sanctions against Cuba for over 40 years and last year took new measures aimed at further strengthening that policy under the pretext of "accelerating the democratic transition" of Cuba. The Government of the Democratic People's Republic of Korea condemns all of the sanctions imposed by the United States Administration on Cuba, considering them to be a violation of the principles and standards prescribed by international law and the Charter of the United Nations and a severe infringement of the independence of sovereign States.

3. The Government of the Democratic People's Republic of Korea reiterates it solidarity with the fight of the Cuban people for justice to defend their regime, and urges the United States Administration to end right away the economic, commercial and financial embargo against Cuba in accordance with the resolutions of the General Assembly.

**Democratic Republic of the Congo**

[Original: French]
[27 May 2005]

1. The Democratic Republic of the Congo fully supported resolution 59/11 and voted in favour of it.

2. Accordingly, the Congolese Government has neither promulgated nor applied any laws or regulations the extraterritorial effects of which affect the sovereignty of other States.

3. The Democratic Republic of the Congo reiterates its opposition to maintaining the economic, commercial and financial embargo imposed on Cuba by the United States of America, since it constitutes a flagrant violation of the purposes and

principles of the Charter of the United Nations, which provides that Member States are obliged to resolve their disputes by peaceful means.

4. The Democratic Republic of the Congo expresses its opposition to the latest economic and political measures announced on 6 May 2004 by the Government of the United States of America against Cuba, which affect Cuban families in these two neighbouring countries and constitute a new attempt to bring down a sovereign Government.

5. The history of cooperation by the Government and people of Cuba with the countries of the third world has demonstrated the deep solidarity characterizing international relations of this small and brave island.

6. The sanctions against Cuba violate the principles of free trade established by the World Trade Organization (WTO) and other, regional specialized organizations such as the Free Trade Area of the Americas (FTAA), which is encouraged by the United States of America.

7. On the basis of these principles, the Democratic Republic of the Congo, which respects the provisions of international law, has neither promulgated nor applied any laws of the kind referred to in General Assembly resolution 59/11.

**Dominica**

[Original: English]
[13 July 2005]

1. The Commonwealth of Dominica has neither promulgated nor applied any laws or measures which in any way hinder the freedom of trade and navigation in Cuba.

2. The Permanent Mission of the Commonwealth of Dominica has the honour to advise the Secretary-General that the Commonwealth of Dominica is in full conformity with resolution 59/11.

**Dominican Republic**

[Original: Spanish]
[14 June 2005]

In its international relations, the Dominican Republic acts in accordance with the standards and principles governing relations of cooperation and exchange among nations, based on the Charter of the United Nations and other rules of international law. It therefore does not promulgate or apply laws which contravene those standards and principles.

**Ecuador**

[Original: Spanish]
[1 June 2005]

1. The Republic of Ecuador, in accordance with its Political Constitution and the Charter of the United Nations, bases its relations with the international community on the recognition and firm conviction that international law sets forth norms of conduct of States in their reciprocal relations. It therefore does not apply any

measure that might contravene the sovereignty and legal equality of States or peaceful coexistence among various nations of the world.

2. The Government of Ecuador therefore voted in favour of General Assembly resolution 59/11 and will continue to condemn the unilateral application of economic and commercial measures being imposed against Cuba.

**Egypt**

[Original: English]
[8 July 2005]

The consistent view of Egypt is that unilateral sanctions outside the United Nations framework are not a course of action that Egypt can condone.

**European Union**

[Original: English]
[14 July 2005]

1. The European Union believes that the United States trade policy towards Cuba is fundamentally a bilateral issue. Notwithstanding, the European Union and its member States have been clearly expressing their opposition to the extraterritorial extension of the United States embargo, such as that contained in the Cuban Democracy Act of 1992 and the Helms-Burton Act of 1996.

2. One should underline the fact that, in November 1996, the Council of Ministers of the European Union adopted a regulation and a joint action to protect the interests of natural or legal persons resident in the European Union against the extraterritorial effects of the Helms-Burton legislation, which prohibits compliance with that legislation. Moreover, on 18 May 1998, at the European Union/United States Summit in London, a package was agreed covering waivers to titles III and IV of the Helms-Burton Act; a commitment by the United States Administration to resist future extraterritorial legislation of that kind; and an understanding with respect to disciplines for the strengthening of investment protection. The European Union continues to urge the United States to implement its side of the 18 May 1998 Understanding.

**Gambia**

[Original: English]
[12 July 2005]

1. The Gambia has not promulgated or applied any laws or measures adversely affecting the trade and economic interests of Cuba. The Gambia continues to strongly support the free flow of international trade and navigation in accordance with international law. Furthermore, the Gambia does not have laws of an extraterritorial extension designed or intended to violate the sovereignty of any State or the legitimate interests of persons and entities under its jurisdiction.

2. As a responsible and law-abiding member of the international community, the Gambia stands ready to fulfil its obligations under the Charter of the United Nations.

**Greece**

[Original: English]
[5 July 2005]

Greece has been implementing resolution 59/11 in the light of the purposes and principles of the Charter of the United Nations and international law and has never thus far promulgated or applied laws and regulations of the kind referred to in resolution 59/11, by which an economic, commercial and financial embargo against Cuba would be applied.

**Grenada**

[Original: English]
[16 June 2005]

1. As sovereign States, Grenada and the Republic of Cuba enjoy very good relations.

2. In that context the Government of Grenada is obliged to express its concern over the additional measures imposed by the United States of America aimed at tightening the already harsh economic, commercial and financial embargo against its sister Caribbean nation. Grenada believes that those measures would only cause greater hardship and suffering to the Cuban people.

3. Indeed, Grenada has no laws that restrict trade and navigation by any State and as such fully supports the resolution which calls for an immediate end to the unilateral embargo against the Republic of Cuba.

**Guatemala**

[Original: Spanish]
[4 May 2005]

There are no legal or regulatory impediments in Guatemala to the freedom of transit or trade with the Republic of Cuba. Also, it is the policy of the Government of Guatemala to reject any coercive measure that runs counter to the norms of international law.

**Guinea**

[Original: French]
[29 June 2005]

1. The Guinean Government remains deeply committed to respect for the principles of the Charter of the United Nations, including sovereign equality of States, non-intervention and non-interference in their internal affairs, and the freedom of international trade and navigation.

2. On the basis of this attitude, from which we have never deviated, Guinea has always refrained, and continues to refrain, from promulgating or applying economic and commercial laws or measures that negatively affect the freedom of international trade.

3. Owing to this fundamental position, and in accordance with the requirements of international law, the Guinean Government lends its unflagging support for the

lifting of the economic embargo imposed by the United States of America against Cuba.

**Guinea-Bissau**

[Original: Portuguese]
[9 June 2005]

1. The Republic of Guinea-Bissau has never adopted or promulgated any laws or measures against Cuba of the kind contained in the preamble to resolution 59/11, because they are unilateral and contrary to the norms of international law, namely freedom of commerce and of navigation, and because they violate the principles consecrated in the Charter of the United Nations.

2. However, Guinea-Bissau regretfully notes that despite the fact that the United Nations has adopted resolutions on the matter over thirteen successive years by a sweeping majority of its Member States, there have been no signs of flexibility from the United States in its policy of continuing its economic, commercial and financial embargo against Cuba.

**Guyana**

[Original: English]
[18 May 2005]

The Republic of Guyana has not promulgated or applied any laws or regulations the extraterritorial effects of which affect the sovereignty of other States. It is thus fully in observance of resolution 59/11 and is committed to continuing its support.

**Haiti**

[Original: French]
[29 June 2005]

The Haitian Government has made every effort to implement this resolution in the territory of the Republic of Haiti. The Ministry of Foreign Affairs stresses to the Secretariat that the Haitian Government once again reaffirms its commitment to the purposes and principles of international law with regard to the freedom of trade and navigation.

**India**

[Original: English]
[7 July 2005]

1. India has not promulgated or applied any laws of the type referred to in the preamble to resolution 59/11 and, as such, the necessity of repealing or invalidating any such laws or measures would not arise.

2. India has consistently opposed any unilateral measures by countries which impinge on the sovereignty of another country, including any attempt to extend the application of a country's laws extraterritorially to other sovereign nations.

3. India recalls the Final Documents adopted by the Thirteenth Summit Conference of Heads of State or Government of the Movement of the Non-Aligned

countries held in Kuala Lumpur, Malaysia, in February 2003 on the subject and urges the international community to adopt all necessary measures to protect the sovereign rights of all countries.

**Iran (Islamic Republic of)**

[Original: English]
[22 June 2005]

1. Unilateral economic measures as a means of political and economic coercion against developing countries, historically, have been in contradiction with the spirit of the Charter of the United Nations in promoting solidarity, cooperation and friendly relations among countries and nations.

2. In our endeavours to create an enabling environment for economic growth and sustainable development, such measures contravene all laws, principles and norms governing international relations in the field of global trade which aims at the beneficial integration of developing countries in the multilateral trading system through the expansion of commercial and economic interactions among all countries.

3. The use of unilateral measures, as a means of political and economic coercion against developing countries, has been condemned by decisions and resolutions of various bodies of the United Nations, particularly the General Assembly and the Economic and Social Council. The international community should become more vocal about the necessity of repealing them and about the prevention of similar actions.

4. The adoption and application of unilateral coercive measures and resorting to embargoes impede the full achievement of economic and social development by the population of the affected countries, in particular children and women; hinder their well-being; and create obstacles to sustainable development and the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for health, the right to food, medical care and the necessary social services.

5. It is now an established fact that unilateral economic coercive measures jeopardize the legitimate economic interests of the targeted developing countries. The United Nations system and other relevant international and multilateral organizations should consolidate their endeavours towards the creation and strengthening of a conducive international economic environment capable of providing equal opportunities for all countries to benefit from international economic, financial and trade systems. They should also consider necessary ways and means to compensate the material and intellectual losses of countries targeted by those who resort to such unilateral measures.

6. The Second South Summit held recently (11-16 June 2005) in Doha firmly rejected the imposition of laws and regulations with an extraterritorial impact and all other forms of coercive economic measures, including unilateral sanctions against developing countries, and reiterated the urgent need to eliminate them immediately. The Summit also emphasized that such actions not only undermine the principles enshrined in the Charter of the United Nations and in international law, but also severely threaten the freedom of trade and investment. The Summit called on the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries.

7. The Summit also in a separate paragraph called on the United States to put an end to the economic, commercial and financial embargo against Cuba. The Government of Iran draws the attention of the Secretariat to the outcome documents of the Second South Summit and particularly the paragraphs related to the issue.

8. Finally, the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 is an opportune occasion to seal the elimination of the use of extraterritorial and unilateral coercive measures against developing countries as well as to call for ending the economic, commercial and financial embargo imposed by the United States of America against Cuba. It should reaffirm that no State may use or encourage the use of unilateral economic, political or any other type of measure to coerce another State.

**Jamaica**

[Original: English]
[9 June 2005]

1. The Government of Jamaica has not promulgated any law, legislation or measure that would infringe on the sovereignty of any State or its lawful national interests or obstruct the freedom of trade or navigation.

2. The extraterritorial application and effects of the United States Helms-Burton Act of 12 March 1996 undermine the founding principles of nation-building which sustain the necessary process of cooperation among sovereign States and dictate the pace and quality of the economic and social development of the international community.

3. Jamaica supports General Assembly resolutions calling for an end to the economic, commercial and financial embargo against Cuba, consistent in the belief that such actions are contrary to the Charter of the United Nations and international law. The support of Jamaica is also in keeping with its strict adherence to the principle of sovereign equality of States, non-intervention and peaceful coexistence.

4. The capacity and potential of Cuba to implement and sustain measures and programmes that would contribute meaningfully to national development and growth, especially in the trade and investment sectors, are hindered significantly by the United States embargo that has been imposed for too many decades.

5. Mindful of the negative effects of the economic, commercial and financial embargo on the Cuban population, Jamaica reiterates its position that constructive engagement is the most feasible option for removing tension and promoting peace, stability and deeper integration in the region and supports the strong international call for a lifting of the embargo.

**Japan**

[Original: English]
[16 June 2005]

1. The Government of Japan has not promulgated or applied laws or measures of the kind that are referred to in paragraph 2 of resolution 59/11.

2. The Government of Japan believes that the economic policy of the United States towards Cuba should be considered primarily as a bilateral issue. However,

Japan shares the concern, arising from the Cuban Liberty and Democratic Solidarity Act of 1996 (known as the Helms-Burton Act) and the Cuban Democracy Act of 1992, regarding the problem of extraterritorial application of jurisdiction, which is likely to run counter to international law.

3. The Government of Japan has been closely following the situation in relation to the above-mentioned legislation and the surrounding circumstances, and its concern remains unchanged. Having considered the matter with the utmost care, Japan voted in favour of resolution 59/11.

**Kazakhstan**

[Original: Russian]
[5 May 2005]

The Republic of Kazakhstan has not promulgated or applied any provisions, the extraterritorial effects of which affect the sovereignty of other States.

**Kenya**

[Original: English]
[14 July 2005]

The Government of Kenya fully supports resolution 59/11, and has never promulgated or applied laws and measures which hinder freedom of international trade and navigation.

**Lao People's Democratic Republic**

[Original: English]
[5 May 2005]

It is unfortunate that the embargo imposed by the United States of America over the past years against Cuba, an independent and sovereign country, continues to be in effect. Such an embargo with its extraterritorial implications has not only hindered the progress of Cuba in its socio-economic development and caused untold suffering to its people, but has also violated the principles of international law and those of the sovereign equality of States as well as of freedom of international trade and navigation. As far as the Lao People's Democratic Republic is concerned, in adhering to and complying with all principles and purposes enshrined in the Charter of the United Nations and international laws, it has neither promulgated nor introduced any laws and measures of the kind referred to in paragraphs 2 and 3 of resolution 59/11.

**Lebanon**

[Original: English]
[17 June 2005]

Lebanon's position is in accordance with the principles of the United Nations and international law, which call for the respect of the sovereignty of all States.

**Libyan Arab Jamahiriya**

[Original: Arabic]
[10 June 2005]

1. The Great Socialist People's Libyan Arab Jamahiriya voted in favour of General Assembly resolution 59/11 of 28 October 2004 and wishes to reaffirm its strong opposition to the economic, commercial and financial embargo imposed by the United States against Cuba, which it considers a violation of the Charter of the United Nations and the principles of international law concerning relations among States that impedes development efforts and the enjoyment of human rights in Cuba.

2. The Great Socialist People's Libyan Arab Jamahiriya has previously explained its position in the context of its response to the Secretary-General of the United Nations concerning previous resolutions adopted under this item.

**Liechtenstein**

[Original: English]
[17 May 2005]

1. The Government of the Principality of Liechtenstein has not promulgated or applied any laws or measures of the kind referred to in the preamble to resolution 59/11.

2. The Government of the Principality of Liechtenstein is furthermore of the view that legislation whose implementation entails measures or regulations having extraterritorial effects is inconsistent with generally recognized principles of international law.

**Malaysia**

[Original: English]
[10 June 2005]

1. Malaysia along with 178 other members of the United Nations, voted in favour of resolution 59/11. Similar support has also been extended to the earlier resolutions on the subject matter for the past thirteen years.

2. Malaysia would like to reaffirm its continuous commitment to the underlying principles contained in those resolutions, namely the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation. Malaysia strongly believes that no States should have the right to exercise a unilateral economic, commercial and financial embargo on other States, in contravention of those principles. Malaysia also believes that the spirit of multilateralism enshrined in numerous international instruments must be upheld and applied without fear or favour.

3. Malaysia also wishes to reaffirm its full support for the position taken by the Non-Aligned Movement as stipulated in the Final Document of the Thirteenth Non-Aligned Movement Summit adopted in Kuala Lumpur on 25 February 2003, which states the following:

> "The Heads of State or Government again called upon the Government of the United States of America to put an end to the economic, commercial and financial embargo against Cuba which, in addition to being unilateral and

contrary to the United Nations Charter and international law, and to the principle of neighbourliness, is causing huge material losses and economic damages to the peoples of Cuba. The Heads of State or Government once again urged strict compliance with the resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 55/20, 56/9 and 57/11 of the United Nations General Assembly. They expressed deep concern over the widening of the extraterritorial nature of the embargo against Cuba and over continuous new legislative measures geared to intensifying it. The Movement also urged the United States Government to return the territory now occupied by the Guantánamo Naval Base to Cuban sovereignty and to put an end to aggressive radio and TV transmission against Cuba."

4. Malaysia is concerned with the continued application of the unilateral embargo against Cuba, which runs contrary to the Charter of the United Nations and against the principles of international law. Malaysia opposes the use of economic sanctions to achieve bilateral goals. Malaysia, therefore, urges States that apply or implement such unilateral measures against Cuba to immediately end their practices and to resolve their differences through dialogues and negotiations. Malaysia therefore, would like to see the absolute removal of the embargo.

5. Malaysia strives to strengthen its bilateral relations with Cuba as well as other countries based on mutual benefits and respect. Malaysia further believes that relations with Cuba, especially in the fields of economy and trade, will be further enhanced in the absence of a unilateral embargo imposed against Cuba by other States. In view of that, Malaysia reiterates its full support to the international community's efforts, as contained in resolution 59/11 and other relevant resolutions, in calling for the end of the unilateral economic, commercial and financial embargo being imposed by the United States of America against Cuba.

**Maldives**

[Original: English]
[7 June 2005]

The Maldives does not impose any sanctions against any country without an explicit mandate from the General Assembly or the Security Council of the United Nations or from those international organizations of which the Maldives is a member. Accordingly, the Maldives has not imposed any sanctions against Cuba nor has it enacted any laws or regulation that would contravene the provisions of the General Assembly resolution 59/11.

**Mali**

[Original: French]
[24 May 2005]

1. The Government of the Republic of Mali has not promulgated or applied any law or regulation, the extraterritorial effects of which infringe the sovereignty of other States.

2. The Government of the Republic of Mali fully supports paragraphs 2 and 3 of General Assembly resolution 59/11.

**Mexico**

[Original: Spanish]
[11 July 2005]

1. Mexico bases its external relations — both bilateral and multilateral — on the general principles of law which govern peaceful and civilized coexistence among States. In the case of Cuba, these principles have been solid and continuous over time, and have been strongly reconfirmed since 1992, when the Government of the Republic of Cuba brought up for consideration by the General Assembly the need to adopt a resolution rejecting and ending the economic, commercial and financial embargo imposed by the Government of the United States of America. Such resolutions have been adopted year after year and Mexico has always voted in favour of them.

2. In this connection, our country has firmly opposed the imposition of unilateral laws that jeopardize progress towards greater cooperation, integration and free trade.

3. Thus, through various mechanisms, it has made known to both the Government of the United States of America and the international community its position against efforts to impose any national laws on third countries.

4. Mexico has consistently demonstrated its policy of defending international values of cooperation, dialogue, respect and consensus as the best means of overcoming differences between States in order to guarantee a climate of international peace. Mexico's opposition to resolutions of the Organization of American States (OAS) censuring the course of events in Cuba and excluding it from that organization's work for more than 40 years and Mexico's promotion and support since 1996 of the OAS draft resolution "Freedom of Trade and Investment in the Hemisphere" has clearly demonstrated its Government's attitude maintained to date.

5. Mexico has repeatedly indicated in various regional and international forums that it will continue to use all legal means within its power to contest the validity of the extraterritorial effects of the Helms-Burton Act, which are contrary to international law, with a view to limiting the impact of its application and safeguarding the legitimate interests of any Mexicans who may be affected.

6. Rather than limiting trade initiatives with Cuba, the Government of Mexico has encouraged them. Today the island is our fifth largest trading partner in the Caribbean; we are its second largest market in Latin America and its eighth largest in the world. Mexico is also the largest investor in Cuba in Latin America and the Caribbean. The current Government has the firm intention of strengthening ties of cooperation and economic, commercial and financial relations with Cuba as a result of the visit to Havana by President Vicente Fox in February 2002 in connection with the centenary of the establishment of diplomatic relations between the two countries.

7. In this connection, Mexico and Cuba signed the following instruments with a view to strengthening their bilateral economic relations: the Economic Complementarity Agreement No. 51 (ECA No. 51), signed on 17 October 2000; the bilateral agreement for the reciprocal promotion and protection of investments (30 May 2001), which entered into force on 5 April 2002, and the Protocol

modifying Economic Complementarity Agreement No. 51 between Mexico and Cuba (ACE/51) of 17 April 2002, limited to the conditions set forth for ECAs by the Treaty establishing the Latin American Economic Integration Association (ALADI). In addition, the bilateral agreement signed by both countries within the framework of ALADI was extended indefinitely as from 27 May 2002.

8. The Government of Mexico has also continued to oppose the economic and political and diplomatic isolation of Cuba. Accordingly, its firm support for the incorporation of Cuba in all regional integration mechanisms has also been a hallmark of Mexican international policy towards the island. In this connection, Mexico has supported Cuba's participation in the Ibero-American Summits since 1991 and its formal accession to ALADI on August 1999.

9. Lastly, it should be noted that Mexico has neither promulgated nor applied any type of legislation contrary to the substance of the resolution in question, the principles of the San Francisco Charter or general international law against any State. It therefore believes that the obligations set out in paragraph 2 have been fulfilled completely, and that Mexico fully respects the provisions of General Assembly resolution 59/11.

**Mozambique**

[Original: English]
[20 June 2005]

The Republic of Mozambique has never promulgated, applied or contributed to the application of any of the laws or regulations mentioned in resolution 59/11. It was in that context that the Republic of Mozambique voted in favour of the aforementioned resolution and reiterates its unconditional support to its provisions, appealing to the United Nations to ensure that all Member States take the resolution into consideration.

**Namibia**

[Original: English]
[13 June 2005]

1. The Government of the Republic of Namibia continues to believe in the sovereignty of each Nation State and upholds the principles of non-interference in the internal affairs of other States.

2. The Government of the Republic of Namibia has never supported or imposed any trade, economic, commercial or financial sanctions against Cuba.

3. The Government of the Republic of Namibia strongly condemns the Helms-Burton Law, which has a wide extraterritorial nature. The law is a direct violation of State sovereignty and a serious breach of the principles of the international trade system.

4. The imposition of the blockade on Cuba has brought and continues to bring immense suffering to the people of Cuba, and Namibia will continue not only to oppose it but also to actively support the lifting of the United States blockade against Cuba.

**Nauru**

[Original: English]
[5 May 2005]

1. The Republic of Nauru voted in full conformity with resolution 59/11.

2. Furthermore, Nauru has not promulgated or applied laws or measures against Cuba that would prohibit economic, commercial or financial relations between the Republic of Nauru and the Republic of Cuba.

3. The Government of Nauru is opposed to the continued adoption and application of such extraterritorial measures and, in that respect, supports the immediate lifting of the economic, commercial and financial embargo against Cuba.

**Nigeria**

[Original: English]
[7 June 2005]

1. Nigeria is in compliance with resolution 59/11 and fully supports the ending of the embargo.

2. Furthermore Nigeria, as a responsible State member of the World Trade Organization, does not support any trade, commercial or financial policies aimed at unfavourably discriminating against any member country. Moreover, Nigeria operates a free market economy and encourages all countries to invest in each other's economy.

**Pakistan**

[Original: English]
[9 June 2005]

Pakistan is fully in observance of resolution 59/11.

**Panama**

[Original: Spanish]
[17 May 2005]

1. Panama reiterates its position of previous years on this matter and reaffirms its commitment to freedom of trade and navigation. It believes that differences between States should be resolved through negotiations based on equality and mutual respect.

2. Accordingly, the Government of the Republic of Panama has not promulgated legislative measures designed to impose economic sanctions against Cuba.

**Paraguay**

[Original: Spanish]
[6 June 2005]

1. In accordance with the principles enshrined in the National Constitution, the Charter of the United Nations and the general principles of international law, the Government of the Republic of Paraguay considers that the extraterritorial

application of domestic laws constitutes an attack on the sovereignty of other States, the legal equality of States and the principle of non-intervention in internal affairs; it also has an impact on international free trade and navigation.

2. Paraguay fully observes the provisions of resolution 59/11 and has not applied any law or measure of the kind indicated in the resolution.

**Peru**

[Original: Spanish]
[9 June 2005]

1. No law or measure whatsoever of the kind referred to in General Assembly resolution 59/11 exists or is applied in Peru.

2. The Government of Peru does not agree with unilateral and extraterritorial measures which seek to affect the internal political process of any State. Peru considers that, in accordance with the principles of international law concerning non-intervention and non-interference in the internal affairs of States, due respect for the domestic constitutional regime is essential in international relations.

3. The Government of Peru is guided in this matter by the position taken by the Permanent Mechanism for Consultation and Concerted Political Action (the Rio Group) and the statements issued at the Ibero-American Summits held in recent years.

4. Lastly, the Government of Peru wishes to reaffirm its strong and unswerving commitment to the common objectives in the area of representative democracy, respect for human rights and economic freedom.

**Philippines**

[Original: English]
[9 May 2005]

The Philippines has complied fully with paragraph 2 of resolution 59/11, and has the honour to inform that paragraph 3 of said resolution does not apply to the Philippines.

**Qatar**

[Original: Arabic]
[2 June 2005]

1. The State of Qatar has not promulgated or applied any extraterritorial law or regulation which affects the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction or freedom of trade or international navigation, nor has it adopted any other measures contrary to General Assembly resolution 59/11.

2. Qatar follows a policy of full compliance with the purposes and principles of the Charter of the United Nations, in particular the principles of equal sovereignty of States and non-interference in their internal affairs.

3. The Government of Qatar rejects the use of economic measures as a means of achieving political ends and adheres in its relations with other States to the fundamental principles of the Charter of the United Nations and the rules of international law.

**Russian Federation**

[Original: Russian]
[8 June 2005]

1. The Russian Federation has consistently maintained that there must be no application of unilateral extraterritorial measures in international relations. In our view, any attempt to isolate individual countries in the present-day world is counterproductive.

2. Like the absolute majority of States Members of the United Nations, our State strongly condemns the United States embargo against Cuba and favours its prompt repeal. Since 1994, the Russian Federation has supported the General Assembly resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

3. We are convinced that ending the embargo and normalizing United States-Cuban relations on the whole would help to improve the situation concerning Cuba and enhance its involvement in international and regional processes. We believe that that in turn would stimulate democratic and social and economic change on the island.

4. The Russian Federation considers that the continuation of the commercial, economic and financial embargo imposed by the United States of America against Cuba is not in keeping with the spirit of the times and the state of modern international relations, is a remnant of the cold war and ideological confrontation and is hindering the establishment of a new, just world order for the twenty-first century based on the fundamental principles of the Charter of the United Nations and international law.

5. The recent decision to tighten sanctions against Cuba shows that the United States administration, unfortunately, is still following coercive approaches.

6. The recent further deterioration in Cuban-United States relations, which is increasing the confrontation between the two countries and hindering the establishment of constructive dialogue, gives rise to serious concern.

7. Guided by the foregoing principles and joining in support of the repeatedly expressed will of the absolute majority of States Members of the United Nations to resolve all disputes and differences without diktat or force, the Russian Federation considers it necessary to vote at the current session of the General Assembly of the United Nations as well in favour of the draft resolution calling for the lifting of the embargo and normalization of Cuban-United States relations, which would meet the interests of the people of Cuba and the United States and improve the general situation in the region of Central America and the Caribbean and the world on the whole.

**Saint Kitts and Nevis**

[Original: English]
[9 June 2005]

The Government of the Federation of St. Kitts and Nevis has never promulgated or applied any laws or measures that restrict the freedom of trade with Cuba. The Federation of St. Kitts and Nevis has repeatedly voted in favour of the resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", and thus supports resolution 59/11.

**Saint Lucia**

[Original: English]
[11 June 2005]

1. The Government of Saint Lucia maintains normal relations with the Republic of Cuba, and supports cooperation through the joint Caribbean Community-Cuba Council. Saint Lucia has consistently voted in favour of the resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

2. Saint Lucia has not adopted any laws or other measures in favour of the extraterritorial application of domestic laws of one State to another State.

**San Marino**

[Original: English]
[10 May 2005]

The Government of San Marino has always and generally been against any imposition of any embargo and in particular against the embargo on Cuba as a means of pressure and because of the serious repercussions on the population, especially as far as medical assistance and food provisions are concerned.

**Sao Tome and Principe**

[Original: English]
[16 May 2005]

1. The Government of Sao Tome and Principe has not adopted any law that supports the economic, commercial and financial embargo against Cuba.

2. The principle and provisions of the Charter of the United Nations are observed in order to promote peace, security and development.

3. The embargo against Cuba outside Security Council frameworks is a violation of international law and will never contribute to improving good relationships and development and promoting international security.

**Senegal**

[Original: French]
[31 May 2005]

The Government of Senegal has neither promulgated nor applied laws or measures of the type referred to in the preamble to resolution 59/11.

**Seychelles**

[Original: English]
[20 April 2005]

1. The Government of the Republic of Seychelles fully endorses the content of resolution 59/11, and consequently does not have nor apply any laws and measures which may in any manner or form constitute or contribute to an imposition of an economic, commercial or financial embargo against Cuba.

2. Furthermore, the Government of Seychelles is of the view that legislation whose implementation entails measures or regulations having extraterritorial effects is inconsistent with generally recognized principles of international law.

**Slovakia**

[Original: English]
[13 June 2005]

1. The Slovak Republic does not pass or enforce laws or regulations with extraterritorial effects and affecting the sovereignty of other States, the legal rights of citizens or the freedom of trade and navigation.

2. The Slovak Republic has voted in the General Assembly along with the European Union in favour of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba.

**South Africa**

[Original: English]
[23 June 2005]

1. South Africa forms part of the great majority of States Members of the United Nations that consistently oppose all aspects of the embargo imposed by the United States of America against Cuba. It views the continued imposition of an economic, commercial and financial embargo as a violation of the principles of the sovereign equality of States and of non-intervention and non-interference in each other's domestic affairs. South Africa is guided by those basic norms of international conduct in its principled support for the need to eliminate coercive economic measures as a means of political and economic compulsion. It believes that constructive dialogue can foster mutual trust and understanding and engender harmony and peaceful coexistence among nations.

2. South Africa is working actively towards furthering bilateral relations between itself and Cuba, including in the economic, commercial and financial spheres. To that end a Joint Bilateral Commission between South Africa and Cuba exists to oversee the array of projects between the two countries. The Minister of Foreign Affairs heads South Africa's participation in the Commission, which meets every

two years. The South African Department of Trade and Industry is responsible for driving the economic and commercial relationship with Cuba and the Deputy Minister of that Department visited Cuba in November 2004 to investigate further possibilities for increased cooperation between the two countries.

**Sri Lanka**

[Original: English]
[8 July 2005]

Sri Lanka has not promulgated any laws and measures referred in resolution 59/11. Therefore the question of repealing such laws does not arise.

**Sudan**

[Original: English]
[27 June 2005]

1. The Government of the Sudan pursues a policy that respects the principle of the sovereign equality of States and non-interference in the internal affairs of others. Consistent with its principled stand, the Sudan opposes the imposition of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion on developing countries for their devastating impact on the efforts of those countries to achieve sustainable development and because they constitute a violation of the norms of international law and the Charter of the United Nations. In that respect, the delegation of the Sudan participates every year in the debate of the General Assembly on the agenda item and votes, beside the majority of Member States, in favour of General Assembly resolutions prohibiting the imposition of such unilateral measures and sanctions. The Government of the Sudan reaffirms that it does not promulgate or apply any laws or measures that could, by being applied outside its own national borders, affect the sovereignty of any State. The Government of the Sudan calls for the repeal of laws that impose such measures.

2. On the basis of the foregoing, the Sudan opposes the economic and commercial embargo imposed by the United States against Cuba, which has caused great damage to the Cuban people and violated its legitimate rights and interests, being a flagrant violation of international laws and the Charter of the United Nations and showing disregard for their lofty and noble principles.

3. The Sudan itself continues to suffer from the renewal of the unilateral economic sanctions imposed on it by the United States since November 1997. It was unfortunate that the United States, in order to exert pressure on the Government of the Sudan, imposed those sanctions on the basis of ungrounded suspicions and accusations that have remained unsubstantiated for many years. Such unilateral sanctions are in violation of the legitimate right of the Sudan and Cuba and all developing countries and their peoples to choose their own political, economic and social systems that fully respond to their aspirations.

4. Since the adoption of the resolution, the Government of the Sudan has put the issue at the forefront of the multilateral system with a view to mobilizing support for the elimination of all forms of unilateral coercive economic measures against developing countries.

**Sweden**

[Original: English]
[31 May 2005]

Sweden has not promulgated or applied any laws and/or measures of the kind referred to in the preamble to resolution 59/11.

**Syrian Arab Republic**

[Original: English]
[17 May 2005]

1. Proceeding from its position of principle with respect to the economic, commercial and financial embargo imposed by the United States of America against Cuba, the Syrian Arab Republic voted in favour of General Assembly resolution 59/11, which emphasizes the need for compliance with the purposes and principles of the Charter of the United Nations and reaffirms the principles of the sovereign equality of States, non-intervention in their internal affairs and freedom of international trade and navigation. In the resolution, the General Assembly also called upon States to take the necessary measures to put an end as soon as possible to the economic, commercial and financial embargo imposed against Cuba for more than three decades. In that regard, the Syrian Arab Republic recalls the Final Document of the Heads of State or Government at the Summit of the Non-Aligned Movement, held in Kuala Lumpur on 24 and 25 February 2003, in which the Heads of State or Government called upon the United States to put an end to the embargo against Cuba, which in addition to being unilateral and contrary to the Charter of the United Nations, international law and the principle of neighbourliness, is causing huge material losses and economic damage to the people of Cuba.

2. The Heads of State or Government once again urged strict compliance with the relevant resolutions of the General Assembly, including resolution 59/11, and expressed deep concern over the widening of the extraterritorial nature of the embargo against Cuba and over continuous new legislative measures geared to intensifying it.

3. The Syrian Arab Republic also refers to the Declaration adopted at the South Summit of the Group of 77 and China, held in Havana, in which the participants categorically rejected laws and regulations with extraterritorial impact and all other forms of coercive economic measures, and expressed grave concern over the impact of economic sanctions on the development capacity of the countries targeted. The Summit also adopted a special appeal from all the leaders of the developing countries for the immediate lifting of the embargo, given that it is causing the Cuban people enormous material losses and inflicting huge economic damage, in addition to being a unilateral measure and in contravention of the Charter of the United Nations, international law and the principle of good-neighbourliness.

4. The international community has frequently stated that it rejects the maintenance of the sanctions unilaterally imposed on Cuba and the so-called Helms-Burton Act, which exceeds the jurisdiction of national legislation and encroaches on the sovereignty of other States that deal with Cuba. That is incompatible with the principle of the sovereign equality of States. Experience has shown that, for the most part, sanctions regimes have caused enormous material damage and major economic losses for the civilian inhabitants of the countries targeted.

5. Accordingly, the Syrian Arab Republic calls for an end to the economic, commercial and financial embargo imposed by the United States of America against Cuba. That would help to create a positive climate in international relations and enhance the role of international legitimacy in safeguarding the principle of the sovereign equality of States.

**Thailand**

[Original: English]
[12 May 2005]

1. In principle, Thailand does not support the imposition by one country of its national law on another country which, in effect, compels a third country to comply. In the view of Thailand, such an act would be contrary to the basic principles of international law and the Charter of the United Nations.

2. Thailand has maintained no legal provision or domestic measures of such nature.

**Trinidad and Tobago**

[Original: English]
[10 June 2005]

The Government of the Republic of Trinidad and Tobago has not promulgated or applied any laws or measures in respect of Cuba as contemplated in the preamble to the above-mentioned resolution.

**Tunisia**

[Original: French]
[7 July 2005]

Tunisia does not apply any laws or unilateral measures with extraterritorial effects.

**Turkey**

[Original: English]
[24 May 2005]

1. The Republic of Turkey does not have any laws or measures of the kind referred to in the preamble to resolution 59/11 and reaffirms its adherence to the principles of freedom of trade and navigation in conformity with the Charter of the United Nations and international law.

2. The Government of Turkey maintains its stance that differences and problems between States should be settled through dialogue and negotiation.

**Uganda**

[Original: English]
[17 May 2005]

1. Uganda does not apply any such laws and measures as those referred to in the preamble to the resolution.

2. Trade relations between Cuba and Uganda are normal and in conformity with international law and the Charter of the United Nations.

**Ukraine**

[Original: English]
[6 May 2005]

1. The Government of Ukraine does not have any legislation or regulations whose extraterritorial effects could affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, or the freedom of trade and international navigation.

2. Equally, the Government of Ukraine does not accept the use of economic measures as a means of achieving political aims and upholds, in its relations with other countries, the fundamental principles of the Charter of the United Nations, the norms of international law and freedom of trade and navigation.

**Uruguay**

[Original: Spanish]
[11 May 2005]

As stated on earlier occasions, Uruguay maintains a foreign policy favouring freedom of trade and navigation as well as respect for the rules of the World Trade Organization relating to the development of trade. Accordingly, the Government of the Eastern Republic of Uruguay does not recognize in its legislation the extraterritorial application of laws of other States, and, therefore, it has not applied any measures or laws of the kind referred to in resolution 59/11.

**Venezuela (Bolivarian Republic of)**

[Original: Spanish]
[6 June 2005]

1. In this regard, we wish to express, once again, our firm and repeated rejection of the promulgation and application of laws and regulations with extraterritorial effects in disregard of the sovereignty of other States. In this connection, we reject the economic embargo imposed against the Republic of Cuba by the United States of America as it is a coercive unilateral act that violates the international legal regime governing economic, commercial and financial exchanges between nations.

2. On that basis, the Bolivarian Republic of Venezuela has, since 1991, voted in favour of the resolutions adopted by the General Assembly condemning the embargo imposed by the United States of America against the Republic of Cuba.

3. The Bolivarian Republic of Venezuela has followed a consistent position on the matter in the various international forums in which it has been considered. On the basis of this position, we have signed various economic, commercial and energy agreements with the Republic of Cuba for the purposes of developing a constructive and productive exchange with the Government and the Cuban people, affected by the application of the United States embargo. The Republic thus believes that it has given factual testimony regarding its position with respect to the illegality of any unilateral measure with extraterritorial effects.

**Viet Nam**

[Original: English]
[19 May 2005]

1. Over the past years, the General Assembly has adopted many resolutions by an overwhelming majority, most recently resolution 59/11 with 179 affirmative votes, demanding that the United States of America end its economic, commercial and financial embargo against Cuba. This reflects the deep concern and strong opposition of the international community over the continued extraterritorial application of unjust legislation against a sovereign and peace-loving nation like Cuba.

2. The economic, commercial and financial embargo imposed by the United States against Cuba has lasted for over four decades and become the longest embargo in history. Viet Nam holds that the embargo serves no other purpose than to aggravate tension between the two countries and impose untold hardship and suffering on the people of Cuba, especially women and children. Viet Nam notes with great concern the fact that the United States has not only continued to ignore the appeal to lift the embargo but tightened it by introducing additional measures such as restrictions on travel and money transfers to Cuba.

3. As a nation that has suffered greatly from such embargoes and blockades, Viet Nam has the deepest understanding and sympathy with the people of Cuba for their hardship and suffering.

4. In the spirit of respect for the legitimate right of each nation to choose its own social and political system and its own path of development, Viet Nam opposes any unilateral embargo and blockade imposed by one State against another and wishes to reaffirm its view that the differences between the United States and Cuba should be resolved through dialogue and negotiation based on the principles of respect for each other's independence and sovereignty, non-interference in each other's internal affairs, mutual respect and understanding. In that regard, Viet Nam has consecutively supported related resolutions of the General Assembly and hopes that the United Nations will undertake early and concrete measures and initiatives to ensure the implementation of all resolutions adopted.

5. The Government and people of Viet Nam once again extend to the people of Cuba and other peace-, freedom- and justice-loving peoples at large their sentiments of friendship and solidarity and reaffirm their commitment to join other nations in assisting the people of Cuba to overcome the consequences of the above-mentioned embargoes and blockages that violate international law.

**Zambia**

[Original: English]
[27 June 2005]

The Government of the Republic of Zambia supports the lifting of the economic, commercial and financial embargo imposed by the United States of America against Cuba and remains opposed to the Helms-Burton Law whose extraterritorial effects, inter alia, constitute a violation of international law and the sovereignty of Cuba.

**Zimbabwe**

[Original: English]
[6 May 2005]

1. The Government of Zimbabwe stands opposed to the extraterritorial application of domestic law. Such actions infringe on the sovereignty of other States and are inconsistent with the provisions of the Charter of the United Nations.

2. Zimbabwe is also against the unilateral application of coercive measures be they economic, commercial or financial. It is in the same spirit that Zimbabwe has condemned the application of the Helms-Burton Act of 1996, which is intended to restrict the access of Cuba to markets, capital, technology and investment, in order to coerce Cuba to change its chosen economic and political systems. The measures themselves are discriminatory in nature, violate World Trade Organization rules, disregard numerous resolutions adopted by the General Assembly and also violate international law. Zimbabwe has consistently condemned those countries that have undertaken such actions as they undermine the spirit of international cooperation.

## III. Replies received from organs and agencies of the United Nations system*

[Original: English]
[19 July 2005]

1. The present report is a summary of the major elements that should be taken into consideration in the report of the Secretary-General on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, in accordance with resolution 59/11.

2. For several years, the Office of the Resident Coordinator has prepared reports on the effects of the embargo imposed by the United States of America against Cuba over the past four decades. In the last 12 months the situation did not change, as the measures introduced by the embargo were maintained, with their resulting negative impact. Such measures fundamentally affected the people of Cuba and in particular the most vulnerable groups.

3. The negative impact of the blockade was particularly felt in recent years due to the unprecedented recurrence of severe damaging natural phenomena such as hurricanes and drought. Within one month, in August and September 2004, the western region of Cuba was struck by two powerful hurricanes, the second a category 5 storm. In July 2005 a category 4 hurricane, Dennis, struck the island, affecting 11 of the 14 provinces. Finally, for the last nine years Cuba has experienced a worsening drought, affecting in particular the country's most vulnerable eastern provinces. In spite of the good capacity developed by Cuba in early warning and disaster response, the increased strength and recurrence of these natural disasters have made recovery and reconstruction efforts difficult. All forecasts agree that the compound negative impacts of natural disasters and the persistence of drought are expected to continue in the future.

* As summarized by the Office of the United Nations Resident Coordinator in Cuba.

4. Every year, the Cuban authorities issue a report listing the social and economic consequences of the blockade, including those affecting international cooperation.

5. The present report was prepared with contributions received from the following international institutions: Economic Commission for Latin America and the Caribbean (ECLAC), Food and Agriculture Organization of the United Nations (FAO), International Atomic Energy Agency, International Civil Aviation Organization (ICAO), International Fund for Agricultural Development (IFAD), International Labour Organization, International Telecommunication Union, Pan American Health Organization/World Health Organization (PAHO/WHO), United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations Environment Programme, United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Population Fund (UNFPA), United Nations High Commissioner for Refugees, United Nations Human Settlements Programme (UN-HABITAT) (UN-Habitat), United Nations Children's Fund (UNICEF), United Nations Industrial Development Organization, United Nations Office on Drugs and Crime, Universal Postal Union and World Food Programme (WFP).

## 1. Economic consequences of the blockade

6. The embargo imposed by the Government of the United States on Cuba has been in place for more than four decades, affecting the economic, political and social life of the Cuban people. This unilateral policy has also influenced third countries' decisions, and in the last few years additional steps by the Government of the United States have been undertaken to strengthen the embargo, such as the so-called Torricelli Law (1992), the Helms-Burton Law (1996) and other measures in 2004-2005. These are explained below.

7. According to Cuban authorities, the accumulated direct and indirect damages to the Cuban economy brought about by the embargo since the early 1960s amount to 79,325.2 million United States dollars. This is equivalent to more than twice the GDP of Cuba in 2004. Damage estimates by sectors are as follows: income not earned from the export of goods and services, 22.7 per cent; monetary and financial losses, 10.5 per cent; barriers to technological access, 10.4 per cent; migration and brain drain, 5.1 per cent; effects on production, 3.6 per cent; and on services for the population, 1.9 per cent.

8. As reported by the Economic Commission for Latin America and the Caribbean, in 2004 the economy confronted new challenges; volatility in prices and in the foreign exchange market occurred as a consequence of the new measures announced in May of that year by the Government of the United States to strengthen the embargo. Those measures include additional restrictions on travel by United States citizens to Cuba and also on the remittances sent from the United States to Cuban relatives, estimated at $1 billion in 2004. Around 1.3 million Cuban-Americans live in the United States and 115,000 of them visited Cuba in 2003. After the announcement of the measures the Government of Cuba increased the prices of gasoline and other hydrocarbons, as well as of products sold in foreign currencies through the system of foreign exchange recovery stores. The average price increase was 15 per cent, and it generated inflationary pressures in the months to follow.

9. In response to United States Government pressure on foreign banks conducting operations in United States dollars with Cuba, in November 2004 the Government banned circulation of the United States dollar in Cuba; issued instructions for the general use of the convertible peso, at the rate of 1 Cuban convertible peso (CUC);

and imposed a 10 per cent tax on operations to convert dollars to convertible pesos. The results were increases in international reserves estimated at $1 billion (as the population had considerable cash reserves of dollars), and in import capacity, providing the Government with some room for manoeuvre to manage the situation, at least in the short term.

10. In addition, the exchange rate for the parallel market was set at 0.96 Cuban pesos to the dollar (a nominal appreciation of 8.3 per cent of the peso) as at 18 March 2005 for operations involving convertible pesos in the State-operated bureaux de change, and, effective 9 April 2005, the central bank committee on monetary policy decreed a nominal appreciation of the convertible peso of 8 per cent against all foreign currencies, including the dollar and the euro.

11. In conclusion, the purchasing power of the dollar decreased by one third in the 12 months ending April 2005. The Cuban authorities have announced that the national currency will gradually continue to appreciate.

12. More recently, since the end of 2001 and in contrast with the tightening of the embargo, the United States Government has authorized the sale of food and medicines to Cuba. That measure was justified by the impact of natural disasters on the population. However, the sale of United States foodstuffs to Cuba was authorized on condition that payment be made in cash and in advance. Additionally, Cuban ships could not transport those goods from United States ports to Cuba.

13. Owing to Cuba's geographical position, the United States market represents the closest, most convenient and most diversified trade area. In a normal situation Cuba and the United States would be natural economic partners, obtaining mutual benefits from trade. However, Cuban companies are unable to purchase products, components or technologies in the United States or from United States companies and are forced to purchase and import goods from elsewhere at a much higher cost. Furthermore, Cuban exports have to be placed in distant markets since they cannot be sold in the United States. Additionally, Cuba cannot make transactions in United States dollars and that entails large losses owing to the diverse exchange rates.

14. The embargo affected virtually all spheres of the country's social and economic activities and had negative consequences for external cooperation initiatives because the impossibility of purchasing needed inputs from United States companies enormously hindered the implementation of programmes and projects, and substantially increased their costs. It was also very difficult to establish partnerships and collaboration with United States non-governmental organizations (NGOs) and to promote exchanges among experts of both countries.

## 2. Examples of the negative impact of the embargo on external cooperation initiatives

### Food and agriculture

15. As in previous years, the United States embargo continued to have an impact on food aid deliveries. Imports of food products for use as World Food Programme food aid for vulnerable groups in schools, hospitals, day-care centres and mothers' shelters encountered numerous transport and bureaucratic difficulties either directly or indirectly owing to the embargo. The impact was greater in the eastern provinces, which continued to suffer the worst food insecurity, particularly in view of the 2004 drought.

16. Some of the food supplements provided by WFP are normally produced in the country. However, this year's production of high energy biscuits and cereal blends met with several interruptions and problems in delivery owing to delays in the arrival of raw materials and basic spare parts required by the producing factories.

17. The export of the sugar that Cuba donates to WFP for projects in other countries also experienced setbacks owing to difficulties in finding companies willing to carry the product. This was mainly due to the many stopovers and trans-shipments, which in turn increased transport costs and led to late arrivals in the countries of destination.

18. In its evaluation of food security, FAO did not include Cuba among the countries with substantial levels of food shortage. However, it considered that the import of foodstuffs for human consumption, particularly those aimed at fulfilling social programmes, had been affected by the blockade, both in quantity and quality, and therefore had a negative impact on the food security of the most vulnerable segments of the Cuban population.

19. During the period 2004/05, cereal imports were estimated at 1.9 million tons (1,020,000 tons of wheat, 260,000 tons of maize and 600,000 tons of rice). From 2003 on, direct imports from the United States of America had been meeting all needs for maize, 47 per cent for wheat and 23 per cent for rice. This direct import from the United States, however, was approved on condition that Cuba pay cash in advance for all purchases, a fact that imposed additional constraints on the country. In 2004, Cuba pledged to purchase 8,000 tons of dried skim milk from the United States, but stricter and costlier payment regulations will force Cuba to make the purchase from some other supplier. If restrictions were more flexible, Cuba could buy up to 50,000 tons of dried milk a year from the United States, according to information furnished by Alimport, the Cuban enterprise that imports food products.

20. Other products were still purchased and imported from distant places, a fact that increased their cost. For example, vegetable oils were imported last year from Asia and Europe. Costs increased by 50 per cent mainly as a result of transportation, distance and administrative requirements.

21. With respect to seafood, Cuba was forced to ship its high-value prawn and lobster production to very distant markets, with a substantial reduction in the profit margins as a result of much higher transport and marketing costs. Similar losses were incurred by the inability to ship Cuban tropical fruits to the United States market.

22. The heaviest impacts of the blockade on agriculture, fisheries and the food industry are summarized in the following paragraphs.

23. Problems arose from the impossibility of taking advantage of the country's exporting potential (coffee, honey, cigars and cigarettes, lobsters, prawns and aquaculture products) to the closest and most important market, the United States. Losses in this respect were very substantial since Cuba was forced to seek and develop other far more distant markets, a fact that notably increased trade distribution and transportation costs. Under normal circumstances, trade also implicitly carries the possibility of a transfer of know-how. As trade stands now, Cuba did not receive any benefit in that area.

24. There has been a significant increase in the costs of inputs needed for production (such as fuel, spare parts, animal feed, inputs for crop and animal-health protection and high-tech products such as herbicides, insecticides, medicines, diagnostic kits and other products for plant and animal protection), traditionally manufactured mainly in the United States by suppliers, to which Cuba is denied access. The increase in agricultural costs led to a reduction in direct profits, which in turn affected the country's ability to meet domestic demand. If all inputs needed in this sector could be purchased in the United States, costs would be reduced by an estimated 50 per cent.

25. In general, FAO cooperation projects were negatively affected by the increase in the cost of spare parts for agricultural and transport equipment and of inputs and products that must be imported — such as high-quality seed. Also, there were difficulties in access to animal vaccines and laboratory products.

26. The International Fund for Agricultural Development considers that the effect of the embargo on the Cuban economy influenced the decision of the Government of Cuba to suspend payments to the Fund, which makes the country ineligible to receive new financing. Therefore, IFAD could not contribute to the reactivation of agriculture and to production for domestic consumption.

**Technology transfers**

27. Cuban enterprises could not use patents originating in the United States or commercialized by United States companies. That prohibition has negative implications for the country's development cooperation activities. For example, the project to phase out the use of chlorofluorocarbons (CFCs) in metred-dose inhalers in Cuba was approved at the forty-first Meeting of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, to be implemented by the Government of Cuba with the assistance of UNDP. As mentioned in the project document, the conversion to CFC-free technology would require a technology transfer from one or more established multinational enterprises that manufacture CFC-free inhalers using alternative technologies and that have the right to transfer such technology without infringing intellectual property rights.

28. The technology transfer to be provided to the relevant laboratory in Cuba required the signing of a commercial agreement between the Government of Cuba and the company providing the technology. During the preparation of the commercial agreement the technology provider informed that, to execute the contract it needed a licence from the Department of State of the United States. That licence was never issued. In February 2005, the Government of Cuba informed officially that since the State Department had not issued the licence and in the light of the urgency to start the project and avoid breach of contract, it had decided to cease current negotiations and to begin considering other companies.

29. Cooperation brokered by UNIDO for the development of new technologies was also affected by the inability to use United States or subsidiary technologies, which had a negative impact on patterns of industrial energy consumption and their level of automation. There were considerable difficulties faced in the procurement of software. A UNIDO project on the Cuban garment industry for the installation of computerized clothes design and cutting, using computer-aided design and manufacturing techniques, had to employ rudimentary automation programmes because new technologies developed in the United States could not be applied.

30. A Global Environment Facility/United Nations Development Programme project with the Cuban Ministry for the Sugar Industry for the installation of steam- and electricity-generating plants using sugarcane bagasse as fuel, was considerably delayed on two occasions because of the inability of the enterprise conducting the project to purchase equipment using United States-patented technologies.

31. As a result of the embargo, ICAO (whose mandate is to promote safe, secure and orderly development of civil aviation in the world) encountered numerous difficulties and constraints in the management and implementation of its technical cooperation projects in Cuba. That was the case with regard to procurement of equipment, including software equipment and spare parts that were made or had components made in the United States. In the field of training, it was almost impossible to have civil aviation training centres in the United States agree to train Cuban officials. Also, difficulties in obtaining entry visas to the United States prevented Cuban civil aviation officials from participating in relevant international conferences in the United States.

**Health**

32. It was repeated by WHO/PAHO and UNFPA that it was impossible to purchase equipment, medicines and laboratory materials produced by the United States or covered by United States patents, even though those products were purchased through multilateral cooperation.

33. Difficulties were faced by UNFPA in purchasing Deprovera contraceptives due to the many requirements, including the signing by the United Nations of a United States Department of Commerce affidavit certifying that the product was purchased by UNFPA to be distributed freely to those in need of it.

34. In the case of children's health, attention to girls and boys suffering from cancer was also affected. For example, Cuba was not able to purchase the isotope I-125 that is used to treat eye cancer in children. The companies manufacturing reagents and equipment are 70 per cent United States owned, which makes it difficult to purchase necessary medical equipment and other items.

35. As reported by UNICEF, the purchase of cytostatic products for children with cancer was seriously disrupted because United States companies had bought out pharmaceutical laboratories in other countries that had contracts with Cuba. Similarly, it was not possible to acquire the technology required for the care of children who needed transplants.

36. The purchase of last-generation antibiotics and other medicines for newborns, which temporarily maintain the permeability of the arterial ducts, had to be conducted in markets outside the United States, thus increasing the cost of the medicine. The availability of such medicines is vital for the survival of newborns with congenital cardiac defects until corrective or palliative surgery can be carried out.

37. The quality of medical attention for disabled children was limited by the lack of drugs to help control the sphincter in the cases of mielomeningocele, other derivatives, corticoids, third-generation antibiotics, antioxidants and urinary bags for children. The price of those products increased since they had to be purchased in remote markets.

38. The procurement of antiretrovirals for HIV/AIDS patients was also affected because their producers are United States companies. A project assigned to Cuba by the Global Fund to fight AIDS, Tuberculosis and Malaria through UNDP was forced to seek vital antiretroviral drugs at greater cost from other international pharmaceutical company suppliers.

**Education and culture**

39. The negative impact of the embargo in the educational sector was linked to trade restrictions that prevented the purchase of needed inputs at more competitive prices. It was reported by UNESCO that the insufficient availability of material resources for the printing of books continued to affect the quality of education, the production and purchase of educational means to improve the training of students, the maintenance and construction of schools, the possibility to offer better food in educational centres and the purchase of computer and communication equipment. One additional example was the purchase of Braille typing machines needed for the education of blind girls and boys or children with severe vision problems. Those machines could be found in the United States market at a cost of $700 each, but had to be purchased elsewhere at a cost estimated at from $900 to $1,000.

40. According to UNICEF, the embargo affected significantly the supply of pencils, notebooks and paper for general educational purposes. Even today, only 50 per cent of the required text books and bibliographies can be printed. The deterioration of physics, chemistry and biology laboratories continued owing to the limited resources for chemical reagents and other supplies required for the proper functioning of the laboratories and workshops.

41. Regarding the cultural field, UNESCO observed that although the embargo did not cover cultural products such as books and works of art, the limited availability of materials greatly affected the cultural industry and art schools. The difficulties in obtaining conservation materials had a negative impact on the preservation of historical heritage. This was the case despite the strong interest of some United States institutions in supporting the preservation of historical heritage of importance to both countries. The Organization underscored the unique achievements made by Cuba in spite of the embargo, for example in the access and quality of education (among the top four in the world) and in the cultural field in which Cuban artists were receiving increasing recognition and acclaim throughout the world.

**Impact on children, adolescents and women**

42. The embargo has traditionally had a direct impact on children, adolescents and women in Cuba. The new measures have only aggravated that situation. Such measures included, among others, the restriction of currency remittances to beneficiaries in Cuba, the ban on the shipment of clothes and hygiene articles to relatives in the island and the restriction of visits by close family members to just one every three years.

43. In the case of UNICEF, the embargo caused a reduction of the purchases of inputs and other supplies within the framework of the projects included in its Cooperation Programme with Cuba. In that regard, there were delays in the acquisition of basic supplies such as mattresses and generators required by children affected by Hurricane Ivan in the province of Pinar del Rio in September 2004, and

whose procurement was not possible until December 2004 owing to regulations imposed from abroad and much heavier import costs.

44. The embargo affected the import of nutritional products not only for the direct consumption of families but also for social consumption in schools, hospitals and day-care centres, which had a direct impact on the nutrition of children, adolescents and families, and consequently their overall health.

45. At a time when the country was facing a serious drought, mainly in the eastern region, the negative effects of the blockade increased. That was true in the case of well-drilling rigs. Since the compressors and engines were of United States origin, it was not possible to acquire spare parts and consequently the rigs were shut down owing to mechanical problems, with a direct negative impact on children and the rest of the population in those areas.

**Scientific exchanges**

46. Several agencies reported that even within the context of United Nations technical cooperation projects, the exchange of scientific missions and expertise between Cuba and the United States was virtually impossible. Cuban experts designated to participate in exchange missions to the United States had to request visas in advance. In some cases, the visas were denied. At the same time, the United States Government denied permission to United States scientists and/or technicians to travel to Cuba on exchange missions. The embargo imposed limitations on the purchase of up-to-date bibliographies, material and laboratory equipment, and a ban on publication in the United States of scientific texts by Cuban researchers living in Cuba.

47. It was reported by PAHO that two visa requests for scientific exchanges were also denied. A Cuban expert on the elimination of methyl bromide from tobacco cultivation was denied a visa, despite the fact that the trip was sponsored by UNIDO. A representative of the Federation of Cuban Women, an institution with consultative status with the United Nations, was denied a visa to attend a meeting on the Millennium Development Goals at United Nations Headquarters.

**3. Commercial transactions**

48. The difficulties imposed by the embargo were recognized by UNCTAD, particularly through trade and financial restrictions, including strict limitations on scientific and technical exchanges with Cuba, all of which affected negatively social and economic development.

49. As referred to in previous years by UNCTAD, several studies were conducted in the United States on the impact and efficiency of unilateral economic sanctions. A recent one is contained in the remarks of William A. Reinsch, the President of the National Foreign Trade Council, made at the Middle East Institute on 6 October 2004. According to that analysis, unilateral sanctions were an attempt to intervene in the internal affairs of another country in order to force a change either in its foreign or domestic behaviour without using military force. Nevertheless, such sanctions more often did not achieve the stated foreign policy goals while they resulted in substantial economic costs for the country that was imposing the sanctions and mostly affected the poorest and neediest sectors of the population. Therefore they were often counterproductive.

50. While Cuba is a very active member of the World Trade Organization, its Government applied a relatively reserved approach regarding the condemnation of United States economic and trade sanctions against Cuba. Cuba recently issued a notification to the Negotiating Group on Market Access (TN/MA/W/46/Add.9, 3 December 2004, and corrigendum Add.9/Corr.1, 19 April 2005). That notification included, among other things, a list of those United States laws and regulations that imposed an economic, commercial and financial blockade (import ban) against Cuba, with an indication of the main negative trade effects. As relevant WTO provisions, Cuba cited Article I, General Most Favoured Nation Treatment; Article III, National Treatment on Internal Taxation and Regulation; Article VIII, Fees and Formalities Connected with Importation and Exportation of the 1994 General Agreement on Tariffs and Trade; and Article XI, General Elimination of Quantitative Restrictions.

### 4. Other negative consequences of the blockade

51. United Nations offices encountered difficulties in standardizing electronic computing systems. The WHO/PAHO representation in Cuba, for example, could not receive equipment from the DELL Company, a supplier to all WHO/PAHO offices throughout the world. As a result, the WHO/PAHO office in Havana was forced to purchase similar equipment from other suppliers at a much higher cost.

52. It was reported by UN-Habitat that Cuba had been engaged in the last two years in addressing the housing and infrastructure needs of the population affected by natural disasters. As a result of the embargo, regular programmes for housing and infrastructure provision and improvement were postponed, increasing the constraints for many sectors of the population. The local government plans to give increased attention to housing and sustainable urban development were hampered by the insufficient supply of key imported building materials. A similar situation is reported by other United Nations agencies involved in post-disaster recovery and reconstruction programmes.

53. Restricted access to fuel also limited the performance of certain urban services such as waste collection and disposal and sanitation and water supply. Limited access to low-cost chemicals and equipment for water and wastewater treatment reduced the quality of these services with a resulting negative impact on the environment and public health.

### 5. Partnership with non-governmental organizations and other cooperation actors

54. For United States NGOs, the restrictions concerning the provision of humanitarian aid to Cuba or cooperation with Cuban counterparts continued to undermine the possibilities of cooperation. Such restrictions included the refusal to allow representatives of United States NGOs in Cuba and, in turn, allow them to develop alliances or joint projects with Cuban counterparts. A United States NGO, Population Services International, began cooperating with Cuba with funds supplied by the Global Fund to Fight AIDS, Tuberculosis and Malaria. But United States Government regulations forced the NGO to work in Cuba for only 15 days out of every month. At the end of 2004, after two years of restrictions, Population Services International decided to abandon its participation in the project due to the constraints imposed on cooperation.